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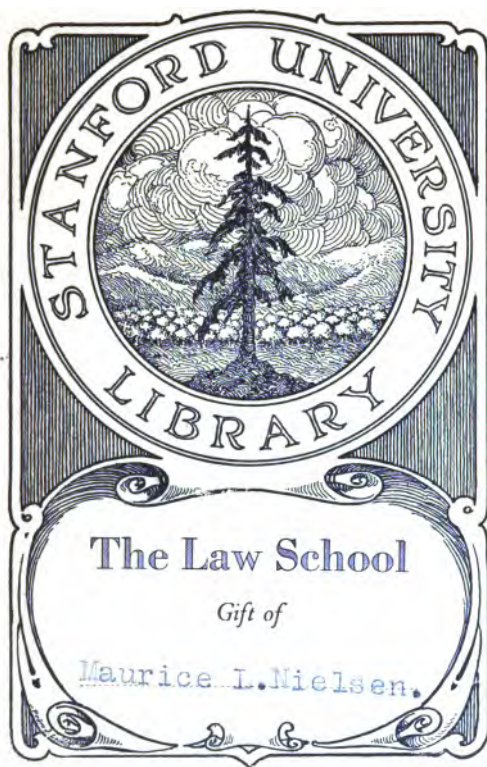
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Wasserman Collection







# PRIVATE AND LOCAL ACTS

PASSED BY THE

## LEGISLATURE OF WISCONSIN,

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-FOUR.

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PUBLISHED BY AUTHORITY.

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1854.

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# LIST OF OFFICERS.

"SECTION 1. \*\*\* There shall be prefixed to each volume of laws hereafter published, the names and residence of the several State Officers, the Senators, and Members of the Assembly, and the Presiding Officers, and Clerks of both branches of the Legislature, at the time of the passage of such laws."—*General Laws, 1854, Chap. 94.*

## NAMES AND RESIDENCE

OF THE STATE OFFICERS, SENATORS, MEMBERS OF ASSEMBLY, PRESIDING OFFICERS, AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

| NAME.               | OFFICE.            | RESIDENCE.           |            |
|---------------------|--------------------|----------------------|------------|
|                     |                    | NEAREST POST OFFICE. | COUNTY.    |
| Wm. A. Barstow,     | Governor,          | Waukesha,            | Waukesha.  |
| Geo. P. Delaplaine, | Prv. Sec'y of Gov. | Madison,             | Dane.      |
| James T. Lewis,     | Lieut. Governor,   | Columbus,            | Columbia.  |
| Alexander T. Gray,  | Sec'y of State,    | Janesville,          | Rock.      |
| John W. Hunt,       | Asst. do           | Madison,             | Dane.      |
| Edward H. Janssen,  | State Treasurer,   | Mequon River,        | Ozaukee.   |
| Daniel M. Seaver,   | Asst. do           | Madison,             | Dane.      |
| Geo. B. Smith,      | Attorney General,  | do                   | do         |
| Hiram A. Wright,    | State Sup't,       | Prairie du Chien,    | Crawford.  |
| Robt. M. Long,      | Asst. do           | Madison,             | Dane.      |
| Wm. M. Dennis,      | Bank Comptroller,  | Watertown,           | Jefferson. |
| A. Menges,          | Deputy do          | Madison,             | Dane.      |
| A. W. Starks,       | S. Prison Com'r,   | Waupun,              | Dodge.     |
| August Kruer,       | State Librarian,   | Madison,             | Dane.      |
| John Quincy Adams,  | Senator,           | Fall River,          | Columbia.  |
| Benjamin Allen,     | do                 | Hudson,              | St. Croix. |
| Coles Bashford,     | do                 | Oshkosh,             | Winnebago. |
| Andrew M. Blair,    | do                 | Ozaukee,             | Ozaukee.   |
| E. B. Bowen,        | do                 | Mayville,            | Dodge.     |

| NAME.               | OFFICE.          | RESIDENCE.           |              |
|---------------------|------------------|----------------------|--------------|
|                     |                  | NEAREST POST OFFICE. | COUNTY.      |
| John W. Cary,       | Senator,         | Racine,              | Racine.      |
| Nelson Dewey,       | do               | Lancaster,           | Grant.       |
| Charles Dunn,       | do               | Cottage Inn,         | La Fayette.  |
| C. A. Eldredge,     | do               | Fond du Lac,         | Fond du Lac. |
| Levi Grant,         | do               | Kenosha,             | Kenosha.     |
| L. P. Harvey,       | do               | Shopier,             | Rock.        |
| Daniel Howell,      | do               | Jefferson,           | Jefferson.   |
| E. M. Hunter,       | do               | Milwaukee,           | Milwaukee.   |
| Joseph F. Loy,      | do               | Depere,              | Brown.       |
| Edward McGarry,     | do               | Milwaukee,           | Milwaukee.   |
| George R. McLane,   | do               | Hartland,            | Waukesha.    |
| Baktus Mantz,       | do               | Meeker,              | Washington.  |
| Ezra Miller,        | do               | Spring Valley,       | Rock.        |
| J. D. Reymert,      | do               | Denoon,              | Waukesha.    |
| Levi Sterling,      | do               | Mineral Point,       | Iowa.        |
| Horatio N. Smith,   | do               | Plymouth,            | Sheboygan.   |
| D. S. Vittum,       | do               | Baraboo,             | Sauk.        |
| Eleazer Wakeley,    | do               | Whitewater,          | Walworth.    |
| F. H. West,         | do               | Monroe,              | Green.       |
| T. T. Whittlesey,   | do               | Pheasant Branch,     | Dane.        |
| William P. Allen,   | Member of Assem. | Sharon,              | Walworth.    |
| Allen H. Atwater,   | do               | Oak Grove,           | Dodge.       |
| Samuel H. Baker,    | do               | Bristol,             | Dane.        |
| Harry Barnes,       | do               | Middleton,           | Dane.        |
| B. F. Barney,       | do               | Mayville,            | Dodge.       |
| O. F. Bartlett,     | do               | East Troy,           | Walworth.    |
| H. M. Becroft,      | do               | Milwaukee,           | Milwaukee.   |
| C. J. Bell,         | do               | Johnson's Creek,     | Jefferson.   |
| Edward Boener,      | do               | Ashford,             | Fond du Lac. |
| Theodore Bernhardt, | do               | Watertown,           | Jefferson.   |
| S. G. Colley,       | do               | Beloit,              | Rock.        |
| John Crawford,      | do               | Milwaukee,           | Milwaukee.   |
| John W. Davis,      | do               | Fox Lake,            | Dodge.       |
| F. Desnoyer,        | do               | Green Bay,           | Brown.       |
| N. M. Donaldson,    | do               | Waupun,              | Fond du Lac. |
| James H. Earnest,   | do               | New Diggings,        | La Fayette.  |
| Edward Estabrook,   | do               | Platteville,         | Grant.       |
| William Eustis,     | do               | Oakland,             | Jefferson.   |
| George Fox,         | do               | Herman,              | Dodge.       |
| George Gary,        | do               | Oshkosh,             | Winnebago.   |
| W. I. Gibson,       | do               | Black River Falls,   | Jackson.     |
| Jackson Hadley,     | do               | Milwaukee,           | Milwaukee.   |
| T. Hagerty,         | do               | Franklin,            | do           |
| Samuel Hale,        | do               | Kenosha,             | Kenosha.     |
| William Hull,       | do               | Potosi,              | Grant.       |

| NAME.                | OFFICE.          | RESIDENCE.           |              |
|----------------------|------------------|----------------------|--------------|
|                      |                  | NEAREST POST OFFICE. | COUNTY.      |
| P. G. Harrington,    | Member of Assem. | Sugar Creek,         | Walworth.    |
| Alexander Hart,      | do               | Lima,                | Calumet.     |
| C. R. Head,          | do               | Albion,              | Dane.        |
| Jesse Hooker,        | do               | Salem,               | Kenosha.     |
| F. W. Horn,          | do               | Cedarburg,           | Ozaukee.     |
| William Jeffrey,     | do               | Ellenboro,           | Grant.       |
| L. W. Joiner,        | do               | Wyoming,             | Iowa.        |
| A. O. Ketchum,       | do               | Portage City,        | Columbia.    |
| James H. Knowlton,   | do               | Shullsburg,          | La Fayette.  |
| James L. Kyle,       | do               | Manitowoc,           | Manitowoc.   |
| P. W. Lake,          | do               | Walworth,            | Walworth.    |
| Edward Lees,         | do               | North Prairie,       | Waukesha.    |
| P. Lavis,            | do               | Greenfield,          | Milwaukee.   |
| John Mathes,         | do               | Rhine,               | Sheboygan.   |
| Peter W. Matts,      | do               | Montrose,            | Dane.        |
| F. McCormick,        | do               | Ashippun,            | Dodge.       |
| Samuel McCracken,    | do               | Marquette,           | Marquette.   |
| Walter D. McIndoe,   | do               | Wausau,              | Marathon.    |
| Abner Mitchell,      | do               | Spring Grove,        | Green.       |
| David L. Morrison,   | do               | Fort Atkinson,       | Jefferson.   |
| Archibald Nichols,   | do               | Maekford,            | Marquette.   |
| David Noggle,        | do               | Janesville,          | Rock.        |
| Nelson R. Norton,    | do               | Burlington,          | Racine.      |
| Edward O'Neil,       | do               | Milwaukee,           | Milwaukee.   |
| Harlow S. Opton,     | do               | Madison,             | Dane.        |
| Ruel Parker,         | do               | Portland,            | Dodge.       |
| Peter Parkison, Jr., | do               | Fayette,             | La Fayette.  |
| C. H. Purple,        | do               | Brookfield Centre,   | Waukesha.    |
| Darias Reed,         | do               | Sullivan,            | Jefferson.   |
| W. Reinhardt,        | do               | Milwaukee,           | Milwaukee.   |
| C. C. Remington,     | do               | Baraboo,             | Sauk.        |
| C. I. Rich,          | do               | Vinland,             | Winnebago.   |
| Lewis Rood,          | do               | Hazel Green,         | Grant.       |
| A. Rosenthal,        | do               | Sheboygan,           | Sheboygan.   |
| Adam Schantz,        | do               | Addison,             | Washington.  |
| David Scott,         | do               | Waupacca,            | Waupacca.    |
| W. S. Spafard,       | do               | Geneva,              | Walworth.    |
| Joseph Spaulding,    | do               | Harmony,             | Rock.        |
| Jesse Smith,         | do               | Vernon,              | Waukesha.    |
| John Smith,          | do               | Caledonia,           | Racine.      |
| Isaac S. Tallmadge,  | do               | Fond du Lac,         | Fond du Lac. |
| Wm. F. Terhune,      | do               | Viroqua,             | Bad Ax.      |
| J. L. V. Thomas,     | do               | Beloit,              | Rock.        |
| M. J. Thomas,        | do               | Fond du Lac,         | Fond du Lac. |
| John Toay,           | do               | Mineral Point,       | Iowa.        |

| NAME.              | OFFICE.          | RESIDENCE.           |             |
|--------------------|------------------|----------------------|-------------|
|                    |                  | NEAREST POST OFFICE. | COUNTY.     |
| John Tobin,        | Member of Assem. | Granville,           | Milwaukee.  |
| Alfred Topliff,    | do               | East Hampden,        | Columbia.   |
| W. M. Torbert,     | do               | Hudson,              | St. Croix.  |
| W. E. Webster,     | do               | Milwaukee,           | Milwaukee.  |
| Thomas West,       | do               | Raymond,             | Racine.     |
| M. M. Whedon,      | do               | Ozaukee,             | Ozaukee.    |
| Nathaniel Wheeler, | do               | Richland Centre,     | Richland.   |
| Andrew Whiting,    | do               | Richmond,            | Walworth.   |
| D. Worthington,    | do               | Summit,              | Waukesha.   |
| Charles S. Wright, | do               | Racine,              | Racine.     |
| Milas K. Young,    | do               | Cassville,           | Grant.      |
| Philip Zimmerman,  | do               | German town,         | Washington. |

### PRESIDING OFFICERS AND CLERKS.

|                    |                                   |             |             |
|--------------------|-----------------------------------|-------------|-------------|
| James T. Lewis,    | President of the Senate.          | Columbus,   | Columbia.   |
| Benjamin Allen,    | Pres't, pro tem., of the Senate.  | Hudson,     | St. Croix.  |
| Frederick W. Horn, | Speaker of the Assembly           | Cedarburg,  | Ozaukee.    |
| William Hull,      | Speaker, pro tem of the Assembly. | Potosi,     | Grant.      |
| Samuel G. Bugh,    | Chief Clerk of the Senate.        | Shullsburg, | La Fayette. |
| John M. Coe,       | Asst. Clerk of the Senate.        | Milwaukee,  | Milwaukee,  |
| Thomas McHugh,     | Chief Clerk of Assembly.          | Madison,    | Dane,       |
| David McKee,       | Asst. Clerk Assembly.             | Potosi,     | Grant.      |

# LOCAL ACTS.

An Act to authorize the City of Sheboygan to aid in the construction of a Railroad. **Chap. 1.**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Asahel P. Lyman, John S. Harvey, William W. King, Henry Otten and Thomas Fagan, are hereby appointed a board of commissioners, for the purpose of aiding in the construction of a railroad, authorized to be made from the city of Sheboygan, westwardly by the way of Fond du Lac, to the Mississippi River. Commissioners.

**SEC. 2.** Said commissioners shall, previous to the transaction of any other business, elect one of their number president, and one treasurer; and shall also appoint a secretary. The president, when present, shall preside at all meetings of the board for the transaction of business; and the secretary shall keep a record of all doings of said board. All meetings of said commissioners shall be at Sheboygan, at such time and place as shall be designated by a majority of them. Officers.

**SEC. 3.** The said commissioners are hereby authorized to borrow one hundred thousand dollars, upon the credit of the city of Sheboygan, for twenty years or less, in such sums as they may deem proper, at a rate of interest not exceeding ten per cent. per annum, payable annually in the city of New York, for the purpose of investing the same in the capital stock of a railroad company authorized to construct a railroad from the city of Sheboygan, westwardly by the way of Fond du Lac, to the Mississippi River, Commissioners authorized to borrow money.

and to issue therefor the bonds of the city of Sheboygan, as hereinafter mentioned; and in case the said money, or any part thereof, shall not be so borrowed to subscribe for so many shares of said capital stock, of said railroad company, that the amount of the same, at their par value, shall be equal to one hundred thousand dollars, and to pay for the same in the bonds of the said city, payable as above specified. In lieu of investing the said sum, or any part thereof, in the capital stock of said railroad company, the said board of commissioners are hereby authorized to loan the credit of the said city, to the said company, to the amount of one hundred thousand dollars, for a length of time not exceeding twenty years, and at a rate of interest not exceeding ten per cent. per annum, and to receive the convertible bonds of said company to secure the said city, and such other security as shall be agreed upon and approved by the said board of commissioners.

**Stock pledged  
for payment.**

**SEC. 4.** The shares of stock in said railroad company, or the bonds and other securities of said company, thus taken by said city, and all dividends and interests arising from the same are hereby pledged for the payment of the principal and interest of said city bonds: *Provided, however,* That the board of commissioners may sell such shares of stock, or such bonds and other securities of said company, but the proceeds thereof, and interest, shall still be pledged to pay the interest and principal of said city bonds.

**City shall levy  
tax.**

**SEC. 5.** The city council, of the city of Sheboygan, shall annually levy a tax upon all the taxable property of said city, sufficient to pay the interest of such bonds, after deducting the dividends received by said city of said shares of stock, or the interest on said bonds of said company, and in any year when said bonds shall become due, the said city council shall levy a tax as aforesaid, sufficient to pay said bonds so becoming due, after deducting any and all sums received by said city on the sale of shares of stock, or of the bonds of said company, or dividends not expended in the payment of interest.

**Railroad com-  
missioners to  
be appointed.**

**SEC. 6.** The said board of commissioners shall annually appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company for the election of directors thereof, or for transacting any other business, and shall be entitled to cast one vote for every share of stock which said city shall hold in said railroad company, and in case of his absence, or inability to attend, to appoint in writing under their hands some other person who shall have the same power.



SEC. 7. No bonds shall be issued in pursuance of the provisions of this act, nor shall the credit of the city be loaned to said railroad company, until a majority of the legal voters of said city, voting upon said question, shall vote in favor of the same at an election, called by the said city council for that purpose. At such election those voting in favor, shall vote a ballot, with the words inscribed thereon, "For the Railroad," and those voting against shall vote a ballot, with the words inscribed thereon, "Against the Railroad." The city council shall give at least ten days' notice of the time and place of holding said election, by publishing the same in all the newspapers printed and published in said city, and this act shall be published in connection with such notice. Said election shall be conducted and the returns thereof made and canvassed in the same manner as an election for city officers in said city. Vote to be taken.

SEC. 8. The said bonds shall be signed before issued by the president and secretary of said board of commissioners, and countersigned by the mayor of said city of Sheboygan, who shall keep a correct register of all bonds so countersigned by him. The said bonds, when signed and countersigned as aforesaid, shall be, in the hands of any bona fide holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of said city of Sheboygan, according to the tenor and effect of said bonds: *Provided*, That no bonds shall be issued except by order of a majority of said commissions, at a meeting of said board, and which order shall be entered upon the records of their proceedings. Bonds.

SEC. 9. The said city council shall have power, at any future time, to submit the question of raising the further sum of one hundred thousand dollars upon the credit of said city of Sheboygan, in manner and form as hereinbefore provided, and if a majority of the legal voters of said city, voting upon said question, shall vote in favor of the same, then the said board of commissioners shall have power to raise, upon the credit of said city of Sheboygan, the further sum of \$100,000, and expend the same in manner and form as provided in the sections of this act. Further loan.

SEC. 10. All contracts entered into by said commissioners, shall be made in the name of the Sheboygan railroad commissioners, shall be signed by the president and secretary of said board, and all contracts shall be made by consent of a majority of said board, or by some person duly authorized by a vote of the majority of said board, at a meeting of the same. Contracts.

Vacancy.

SEC. 11. Whenever any vacancy shall occur in said board of commissioners, by resignation, death, or removal from said city of Sheboygan, of any of said commissioners, it shall be filled by an election by the remainder of said board, of some freeholder of said city; and a majority of said commissioners shall constitute a board for the transaction of any business authorized to be done by said board.

Commissioners shall render statement.

SEC. 12. It shall be the duty of said board of commissioners, on or before the first Tuesday of April, in each year, to render a specific statement of their doings to the common council of the said city of Sheboygan, verified by the oath of the president of said board; and said statement shall also show the sum of money that will become due for interest or principal, or both, upon the bonds of said city, issued by them as aforesaid, for the ensuing year, and the place where the same is payable, and what sum of money so to become due, will be required to be raised by a tax upon the taxable property of said city.

Repealing section.

SEC. 13. The act entitled, an act to authorize the city of Sheboygan to aid in the construction of a certain railroad, approved April second; one thousand eight hundred and fifty-three, is hereby repealed.

SEC. 14. This act shall take effect, and be in force, from and after its passage.

Approved, January 17, 1854.

## Chap. 2.

An Act to amend an act, entitled, "an act to incorporate the city of Janesville," approved, March 19, 1853.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act entitled, "an act to incorporate the city of Janesville," approved, March 19, 1853, is hereby so amended, that the time for making out and returning the delinquent list, mentioned in section six, of chapter eight of said act, and for paying over to the treasurer of Rock county, the monies belonging to said county, and the monies belonging to the state of Wisconsin, is extended to the last Monday of January, in this, and each succeeding year; and all the provisions of said act, conflicting herewith, are so modified as to conform to this act.

SEC. 2. This act shall be in force from and after its passage and publication.

Approved, January 21, 1854.

An Act, to extend the time for the collection of taxes in the city of Fond du Lac. Chap. 3.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time for the collection of taxes in the city of Fond du Lac, is hereby extended to the second Monday in February, next: *Provided*, That this act shall not be so construed as to alter the time for the payment of the state and county taxes to the county treasurer, as said city treasurer was required before the passage of this act.

SEC. 2. The said city treasurer shall have the same powers to collect all taxes in arrear, in said city, by levy and distress, or otherwise, as heretofore provided by law, at any time before the said second Monday of February next, on which day he is hereby required to make return of his warrant and doings in the premises, as required by law.

SEC. 3. This act shall take effect, and be in force, from and after its passage.

Approved, January 21, 1854.

An Act to amend Chapter six of an act, entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852. Chap. 4.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The owner or owners of that tract of land Boundaries lying in the second ward, of the city of Milwaukee, bounded and described as follows: Beginning at a point thirty-three (33) feet east of the south-west corner of the east half of the north-west quarter of section twenty, (20) town seven, (7) north of range twenty-two, (22) east; thence north, in a direct line, one thousand twenty-one 1-100 feet, to the point of intersection with the southerly line of the Milwaukee and Fond du Lac plank road; thence south-easterly, six hundred forty 8-10 feet, along said line of said plank road to a point; thence south, in a direct line, five hundred ninety-six 5-10 feet, to the point of intersection with the south line of said quarter section; thence west, along said south line, four hundred sixty-two feet, to the place of beginning; and his or their heirs and assigns are hereby authorized to lay out and enclose within the same, such part thereof as he or they shall deem proper, as a private park and pleasure grounds, or garden, for private use.

Council cannot  
open street.

SEC. 2. The common council of the city of Milwaukee shall have no power to lay out or open, and are hereby prohibited from laying out or opening any highway, street, alley, lane, or public grounds, in, through, or upon the said tract of land, described in the preceding section, without the consent, in writing, of all the owners thereof, first had and obtained, anything contained in the act, to which this act is amendatory, to the contrary, notwithstanding: *Provided, however,* That the laying out of said private park and pleasure grounds, or garden, shall be commenced within one year from the date of the passage of this act, and the same shall be enclosed and improved, for the purposes herein mentioned, within five years from said date; otherwise the privileges and immunities, hereby granted, shall be void, and the common council of said city shall have and possess the like power over said tract of land as heretofore.

Proviso.

SEC. 3. This act shall take effect, and be in force, from and after its passage.

Approved, January 24, 1854.

## Chap. 5.

An Act to amend an act entitled an act to authorize the improvement of Sauk River; approved February 9, 1853.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Commissioners shall appraise damages.

SECTION 1. Section 4 of chapter 371, of the private and local statutes of 1853, is hereby amended so as to read as follows: "Said commissioners shall appraise the damage sustained by the owner or owners of any lot or lots through, or upon which, they shall locate the channel of said river; and shall make an assessment upon the several village lots in the blocks, and upon all pieces or parcels of land through which, or bordering upon which, said river runs or is located, as aforesaid, to pay the expense of said improvement, including all damages, appraised as aforesaid, taking into consideration the benefit accruing to any of said lots from said improvement.

SEC. 2. The assessment made by the commissioners under the provisions of the act to which this is amendatory, for the improvement of said river, are hereby declared to be legal and valid.

Approved, January 24, 1854.

An Act to extend the time for the collection of taxes in the County of Oconto. **Chap. 6:**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time by law limited for the collection of taxes, and return thereof by the treasurer, is hereby extended for the county of Oconto, to the third Monday of March next.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 24, 1854.

An Act to change the name of the town of Chili, in the County of Fond du Lac. **Chap. 7.**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the town of Chili, in the county of Fond du Lac, is hereby changed to the name of Ashford; and the said town of Ashford shall include all that portion of Fond du Lac county embraced in town thirteen (13) north of range eighteen (18) east.

SEC. 2. All official acts and proceedings of the several town officers of said town of Chili, heretofore done under the name and style as officers of the town of Ashford, are hereby declared legal in all respects.

SEC. 3. This act shall take effect from and after its passage.

Approved, January 26, 1854.

An Act to amend an act entitled an act to provide for the Inspection of Fish in the County of Manitowoc; approved April 2, 1853. **Chap. 8.**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the words "twelve sufficiently strong hoops, or eight flat hoops at least two inches broad," in section five of said act be stricken out, and the words "eight good and sufficient hoops," be inserted.

SEC. 2. This act to take effect from and after its passage.

Approved, January 26, 1854.

**Chap. 9**

An Act to authorize Charles Quentin, and others, to construct a dam across Milwaukee river, in the county of Ozaukee.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION. 1. That Charles Quentin, Herman G. C. Kemper, Titus Fernow, their associates, and assigns, are hereby authorized to construct a dam across the Milwaukee river, on section thirty-one (31) in township No. ten (10) north of range No. twenty-two (22) east, in the county of Ozaukee, for hydraulic purposes: *Provided*, That land upon which said dam is built, shall be the property of the persons herein, named and that said dam shall not exceed four feet in height above high water mark.

Approved, January 26, 1854.

**Chap. 10.**

An Act relating to the Courts and County Offices in Marquette county.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Courts, where held.

SECTION 1. That the several courts, in and for the county of Marquette, and the several county offices of said county, shall be held at such places in said county, as shall have been, or may hereafter be, designated by the county board of supervisors; and it shall be the duty of the judges of said courts, to hold their courts respectively in such places so designated, as aforesaid.

How vote legalized.

SEC. 2. In order to test the legality of any vote that may have been, or may hereafter be, cast upon the removal of the county seat of said county, the said board of supervisors shall direct the district attorney, or the chairman of the board of supervisors of said county, to file with the clerk of the circuit court of said county, a petition, praying said court to inquire into the legality of such election, and stating at length any illegalities which such chairman or district attorney, aforesaid, may deem proper, as tending to vitiate such election, and the circuit court shall thereupon appoint some suitable person as a commissioner to take testimony upon the matters set forth in such petition, and the said commissioner shall immediately give notice to all whom it may concern, by publication in a newspaper, printed in said county, at least four successive weeks, of the time and place of taking such testimony; and may adjourn the same from time to time as he shall deem advisa-



ble; and any citizen of said county may appear and examine and cross-examine witnesses.

SEC. 3. After such commissioner shall have finished the taking of testimony as aforesaid, he shall seal the same up in an envelope, directed to the clerk of the circuit court, and shall transmit the same to such clerk without delay, and the said court shall thereupon proceed to examine such testimony, and shall make an order, either affirming said election, or declaring the same annulled as the right of the case may require, and upon the application of any citizen of said county, the said circuit court shall order the clerk thereof to certify and send up said cause to the supreme court of this state as an appeal on the same conditions and terms as prescribed by law in prosecuting appeals to said supreme court.

Commissioner shall send copy to clerk of court.

SEC. 4. The county shall pay the costs of the investigation provided for in this act, and the county board of supervisors shall audit the accounts for the same.

County to pay costs.

SEC. 5. The annual meetings of the county board of supervisors of said county, shall be held in the buildings now provided for the transaction of county business, and they shall not be compelled to erect county buildings at any other place in said county, until a proper investigation shall be had under sections two and three of this act.

Annual meetings of board, where held.

SEC. 6. This act shall take effect, and be in force, from and after its passage.

Approved, January 27, 1854.

An Act to amend an act, entitled "An act to incorporate the Milwaukee Gas Light Company."

Chap. 11.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section second, of an act, entitled "an act to incorporate the Milwaukee gas light company," approved, March 27, 1852, is hereby amended, so as to read, "the capital stock of said company shall be two hundred thousand dollars, in shares of fifty dollars each."

SEC. 2. This act shall take effect, and be in force, from and after its passage.

Approved, January 28, 1854.

**Chap. 12.** An Act to extend the time for collecting taxes in the town of Madison, County of Dane.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time for collecting taxes in the town of Madison, Dane county, is hereby extended twenty days beyond the time now required by law; and the treasurer of said town shall have the same right to levy on property and sell the same, within said term so extended, as is now allowed by law for such purposes.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 28, 1854.

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**Chap. 13.** An Act to authorize the city of Milwaukee to convey lot three in block twenty-eight, in the Second Ward, to George Abert.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The city of Milwaukee is hereby authorized to convey to George Abert lot number three in block number twenty-eight, in the Second Ward of said city.

SEC. 2. The deed of conveyance of said lot shall be executed in the name of the city of Milwaukee, sealed with its corporate seal, and signed by the mayor and countersigned by the comptroller of said city.

SEC. 3. This act shall take effect from and after its passage.

Approved, January 28, 1854.

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**Chap. 14.** An Act to authorize the collection of taxes in the Town of Watertown.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION. 1. The town clerk of the town of Watertown, in the county of Jefferson, is hereby authorized and required immediately after this law shall take effect, to make out a fair copy of the equalized assessment roll of said town for the year 1853, and when so completed deliver the same to the town treasurer of said town, on or before the thirteenth day of February next, upon said treasurer executing the

Town clerk  
shall make out  
copy of assess-  
ment.

bond and delivering the receipt as required in section 51 of chapter 15 of the revised statutes. The warrant of the clerk to the said treasurer to collect the taxes in said town upon said assessment roll, shall be made returnable in thirty days from the date thereof; and upon the receipt of said assessment roll, as aforesaid, the said treasurer is hereby authorized and required to collect said taxes within the life of said warrant, and make his returns thereof as directed in chapter 15 of the revised statutes.

SEC. 2. This act is hereby declared to be a public act, and shall take effect from and after its passage.

Approved, January 28, 1854.

An Act to provide for the removal of the County Seat of Brown County.

Chap. 15.

*The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

SECTION 1. That at the annual town meeting to be held on the first Tuesday of April A. D., 1854, the legal voters of the county of Brown, shall be and are hereby authorized to vote for the removal of the county seat of said county, to the borough of Green Bay, in said county; and if a majority of all the votes cast on that subject at such town meeting be in favor of such removal of said county seat to the said borough of Green Bay, then the said borough of Green Bay shall be the permanent county seat of said county.

Vote for removal.

SEC. 2. The votes cast on the subject of the removal of the said county seat, as above provided, shall be by ballots; said ballots shall have written or printed on them, or partly written or partly printed, the words, "For removal to the Borough of Green Bay," or the words, "Against removal to the Borough of Green Bay;" and no other form of ballot shall be counted or allowed in the canvass of said votes, under any pretence or pretext whatever, but shall be seemed to be, and are hereby declared to be, utterly void.

Ballots.

SEC. 3. It shall be the duty of the supervisors of the several towns, in said county, to prepare a separate box, where- in the said ballots shall be deposited.

Separate box to be prepared.

SEC. 4. All laws now in force, relative to elections, or town meetings, shall apply and extend to the subject matter of this act, except so far as special provision is made herein, or so far as such laws may be repugnant to the provisions of this act.

Laws relative to elections.

How votes to be canvassed.

SEC. 5. At the close of the polls, the said votes shall be publicly canvassed by the inspectors of elections in the several towns, who shall respectively draw up a statement in writing setting forth in words, at full length, the whole number of votes given "For the removal to the Borough of Green Bay," and the whole number of votes given "Against the removal to the Borough of Green Bay," and shall cause a duplicate thereof to be made, which statement and duplicate they shall certify to be correct.

Statement delivered to town clerk.

SEC. 6. One of such statements shall be forthwith delivered to the town clerk, to be filed and preserved by him, and the other shall be enclosed, sealed up and directed to the clerk of the board of supervisors of said county, to whom such statement shall be delivered within fourteen days after the meeting aforesaid.

Duty of register and clerks.

SEC. 7. On the third Tuesday of April, 1854, the county judge, register of deeds, and the said clerk of the board of supervisors, shall open said returns and make an estimate and statement of the votes given as aforesaid, and of the result whether for or against the said removal of the county seat; and shall append thereto a certificate that the same is true and correct, which certificate shall be signed by the said canvassers in triplicate, one of which shall be deposited in the office of the clerk of the circuit court, of the register of deeds and of the clerk of the board of supervisors of said county, respectively, and shall have the force and effect of a record for the purposes of evidence.

Approved, January 28, 1854.

## Chap. 16. An Act to amend the charter of the Racine, Janesville and Mississippi Railroad Company."

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Act amendatory.

SECTION 1. Section eleven of "an act entitled an act to incorporate the Racine, Janesville and Mississippi Railroad Company," approved April 17, 1852, is hereby amended so as to read as follows: It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants,

at any time to enter upon, take possession of, and use such lands not exceeding one hundred and thirty feet in width, along the line of said route, subject however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively. And said company are further authorized by their officers, engineers, agents and servants, to enter upon lands adjacent to the railroad, beyond the limits of one hundred and thirty feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water-courses, across or along said road when the same are necessary, beyond the limits of said road: and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth, gravel or stone taken from cuts, and to obtain earth, gravel, stone and other materials for embankments and structures necessary to the construction and repairs of said road, doing however, no unnecessary damage; and all land so acquired, and all damages which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions hereinafter provided: and when such damage shall have been paid for or tendered, the title to the land occupied by such railroad, fixtures, excavations and embankments shall vest in fee simple in said company. It shall be lawful for any judge of the supreme, circuit or county courts of this state, on application of the said company, either in term time or vacation, and at the cost of the said company, to appoint three disinterested persons residing in the county where such lands are situate, not of kin to the owner or owners thereof, whose duty and charge it shall be to view and examine all the lands so taken in said county, with the buildings and improvements, if any, thereon, and to estimate the value of the land so taken or required by said company, and all damages which the owner or owners thereof shall sustain, or may have sustained, by reason of the taking of the same for the construction and use of said road, or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, by means of the construction and operation of the said road to the said owner or owners; and when said commis-

Company  
may enter up-  
on lands.

Damages to be  
paid by com-  
pany.

How damages  
to be assessed.

Notice to be  
given.

sioners are so appointed, they shall act in all cases arising in said county requiring the action of commissioners, whenever said company shall be unable to agree with the owner or owners of said land ; but if for any cause either or all of said commissioners shall become disqualified to serve, or their place or places become vacant, such vacancy or vacancies may be filled in the same manner that the original appointment was made. And it shall be the duty of the said company to give two week's notice of their application to a judge of the supreme, circuit or county court, for the appointment of the said commissioners, to be published for two successive weeks in a newspaper published in the county in which said lands may be, or if no newspaper be printed in said county, then in a newspaper published in the city of Racine, and the affidavit of the publisher or printer, shall be legal evidence of such publication. And the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent to administer oaths, faithfully and according to the best of their abilities, to examine the several pieces or parcels of land, so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners of each piece or parcel thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company over and above the benefits and advantages which said owner or owners shall derive from the construction of such railroad. Whereupon, such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owner or owners as aforesaid, and shall make a report in writing of such valuation under their hands and seals, to the clerk of the circuit court of the county where the land lies, and shall return the same within twenty days after making their appraisal to the clerk of the circuit court of the county in which the land lies ; and it shall be the duty of said clerk to file the same, and in case no appeal shall be made within twenty days after the filing of the said reports as hereinafter provided, then the said clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, either in term time or vacation, on motion of either party : *Provided*, that either party may appeal to the circuit court of the county in which said

Proviso.



land shall lie, within twenty days after said report shall have been filed in the clerk's office of said court, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empaneled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such railroad, and the judgment of the court shall be entered accordingly. Such appeal shall be taken by giving notice thereof to the clerk of the said court in writing, and thereupon the clerk shall enter the same upon the docket of said court, setting down the railroad company as defendant, and the said claimant or claimants as plaintiff: *Provided*, also, that it shall not be lawful for the said commissioners or the said court to proceed in the assessment of damages or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners are absent from the state of Wisconsin, or that the said owner or owners have had at least five days notice, in writing, of the time and place at which such assessment or valuation was to be made; which notice shall be served personally on said owner or owners, or by leaving the same at their last or usual place of residence with some person of suitable age and discretion, and if the said owner or owners shall be minors, or non compos mentis, the service of the notice may be made on their guardian or trustee, if there be any, or in such manner as the court or judge appointing said commissioners shall direct; and if said owner or owners shall be non-resident or absent from the state, or his residence unknown, the service of the notice may be made by publishing the same in a newspaper in said county, for two successive weeks: *Provided*, also, that upon the making and filing of any report as aforesaid and the payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her or their legal representatives, or the payment of the amount of such valuation or appraisal to the clerk of the court to which any appeal under this act may have been taken to abide the issue of such appeal, the said company, their agents or the contractors for making or repairing said railroad, may immediately take and use the same without awaiting

the issue of any appeal brought thereon. Whenever any judgment shall have been entered, as hereinbefore provided for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, or the payment of the amount specified in such judgment or in such report of the commissioners to the clerk of the court to which any appeal under this act may have been taken, the said company shall be entitled to the easement of the same so long as it may be used as the track of said railroad; and if such valuation be not received when tendered, it may at any time thereafter be received or may be collected from said company, without interest, by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, such valuation shall not have been paid to the clerk of the court in which such appeal may have been taken; and *Provided*, that the costs of any proceedings and judgments specified in this act, shall be taxed by the court and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same or a less sum than that reported by the said commissioners.

Proviso.

Notices to be published in Racine.

SEC. 2. Section twelve of said act is hereby amended so as to read as follows: So much of the act to which this is amendatory as requires the publication of any notices by said company, to be made in a newspaper published at the capital of the state, or at Janesville, is hereby repealed, and all such notices shall hereafter be published in a newspaper published in the city of Racine.

Shall erect fence.

SEC. 3. Section thirteen of said act is hereby amended so as to read as follows: The said company before opening their road through any enclosed grounds shall erect such fencing as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of the said road, through all such enclosed ground, and shall maintain the same, and when land now unenclosed on the route of said road becomes enclosed for farming purposes, said company shall build and keep in repair a good and substantial fence through such lands: *Provided*, said company shall not be compelled to build such fence before their road is in operation.

SEC. 4. This act shall take effect from and after its publication.

Approved, January 30, 1854.

[Published Feb. 1, 1854.]

An Act to amend an act entitled an act to incorporate the Green Bay, Milwaukee and Chicago Railroad Company; approved March 13, 1851, Chap. 17.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eight of an act entitled an act to incorporate the Green Bay, Milwaukee and Chicago railroad company, approved March 13, 1851, is hereby amended so as to read as follows: It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands not exceeding one hundred and thirty feet in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively. And said company are further authorized by their officers, engineers, agents and servants to enter upon lands adjacent to the railroad, beyond the limits of one hundred and thirty feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road when the same are necessary; beyond the limits of said road; and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road; and to deposit earth, gravel or stone taken from cuts, and to obtain earth, gravel, stone and other materials, for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage; and all land so acquired, and all damages which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions hereinafter provided; and when such damage shall have been paid for or tendered, the title to the land occupied by such railroad, fixtures, excavations and embankments shall vest in fee simple in said company. When said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation.

Amendatory  
section.

tion to be paid therefor, or when, by reason of the legal incapacity, or absence of any such owner or owners, no such agreement, or purchase can be made, then, and in that case, it shall be lawful for any judge of the supreme or circuit courts of this state, on application of the said company, either in term time or vacation, and at the cost of the said company, to appoint three disinterested freeholders of this state, who shall not be of kin to the owner or owners, or any way interested in said company, whose duty and charge it shall be to view and examine the lands so taken with the buildings and improvements, if any, thereon, and to estimate the value of the land so taken or required by said company, and all damages which the owner or owners thereof shall sustain, or may have sustained, by reason of the taking of the same for the construction and use of said road; or the works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same by means of the construction and operation of said road to the said owner or owners. And it shall be the duty of the said company to give three week's notice of their application to the judges of the supreme court, or circuit court, for the appointment of the said commissioners, to be published for three successive weeks in a newspaper published in the county in which said lands may be, and the affidavit of the publisher or printer shall be legal evidence of such publication; and the freeholders so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company over and above the benefits and advantages which said owner or owners shall derive from the construction of such railroad. Whereupon, such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owner or owners as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within twenty days after their appointment to the clerk of the

Notice to be given.

circuit court of the county in which the land lies; and it shall be the duty of the said clerk to file the same, and in case no appeal shall be made within thirty days after the filing of the said reports as hereinafter provided, then the said clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, either in term time or vacation, on motion of either party: *Provided*, that *Proviso.* either party may appeal to the circuit court of the county in which said land shall lie, within thirty days after said report shall have been filed in the clerk's office of said court, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empaneled to try the same, shall find the value of the land so taken or required by said company, and the damage which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such railroad, and the judgment of the court shall be entered accordingly. Such appeal shall be taken by giving notice thereof to the clerk of the said court in writing, and thereupon the clerk shall enter the same upon the docket of said court, setting down the said railroad company as plaintiff, and the said claimant or claimants as defendants: *Provided, also*, that it shall not be lawful for the said commissioners or the said court to proceed in the assessment of damages or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners are absent from the state of Wisconsin, or that the said owner or owners have had at least five days notice, in writing, of the time and place at which such assessment or valuation was to be made; and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of the notice may be made on the guardian, trustee, or agent, if there be any, or in such manner as the court or judge appointing said commissioners shall direct: *Provided, also*, that upon the making *Proviso.* and filing of any report as aforesaid and the payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, or the payment of the amount of such valuation or appraisal to the clerk of the court to which any appeal under this act may have

been taken to abide the issue of such appeal, the said company, their agents or the contractor for making or repairing said railroad, may immediately take and use the same without awaiting the issue of any appeal brought thereon. Whenever any judgment shall have been entered, as hereinbefore provided for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, or the payment of the amount specified in such judgment or in such report of the commissioners to the clerk of the court to which any appeal under this act may have been taken, the said company shall be entitled to the easement of the same so long as it may be used as the track of said railroad; and if such valuation be not received when tendered, it may at any time thereafter be received or may be collected from said company, without interest, by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, such valuation shall not have been paid to the clerk of the court in which such appeal may have been taken: and, *provided*, that the costs of any proceedings and judgments specified in this act, shall be taxed by the court and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same or a less sum than that reported by the said commissioners.

Proviso.

SEC. 2. This act shall be published to take effect, and take effect immediately.

Approved, January 31, 1854.

[Published Feb. 2, 1854.]

**Chap. 18.** An Act to extend the time for the collection of Taxes in the Town of Beloit, in the County of Rock.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time for collecting taxes in the town of Beloit, in the county of Rock, is hereby extended to thirty days beyond the time now required by law. And the treasurer of said town shall have the same right to levy on property, and sell the same within said time so extended, as is now allowed by law for such purposes.

SEC. 2. Nothing in the preceding section shall be construed to extend the time for paying over, to the county treasurer, the amount due from said town on state tax.

SEC. 3. This act shall take effect from and after its passage.

Approved, February 2, 1854.

An Act to change the time for holding the regular quarterly terms of the County Court, in Grant County.

Chap. 19.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The regular quarterly terms of the county court, in and for Grant county, shall hereafter be held on the first Monday in February, on the first Monday in May, on the first Monday in August, and on the fourth Monday in October, in each year.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 2, 1854.

An Act to amend an act entitled an act to incorporate the Kenosha and Beloit Railroad Company.

Chap. 20.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That if the arbitrators selected by the parties as provided in section twelve of said act, shall fail to agree upon the amount of compensation to be paid for the lands required for the use of said railroad company, the two arbitrators thus selected, shall select a third person to act in conjunction with them; and in case of their inability to agree upon such third person, the judge of the circuit or county court, of the county in which said lands shall lie, shall upon application of said company appoint such third person; and the award of the majority of the appraisers; in every case, shall be conclusive upon all the parties: subject, nevertheless, to the right of appeal as provided in said section. Arbitrators to be selected.

SEC. 2. That the notice provided in said twelfth section, to be served by the said railroad company, upon the owners or possessors of the legal or equitable title to lands through which said road shall run, may be served by leaving a copy thereof at his or her usual place of abode, in presence of some one of the family of suitable age and discretion; and in case he or she is a non-resident of the

Notice to be served upon owners of lands.

county, by leaving said notice with the occupant of the land through which said road may be surveyed; and if said land shall be owned by a non-resident and unoccupied, then by publishing said notice for three successive weeks in a newspaper published in the county where the land is situated. And in case said owner or owners shall be infants, or *non compos mentis*, and shall have no trustee or guardian, then such notice may be served in such manner as the judge of the circuit or county court of said county shall direct.

Annual meeting.

SEC. 3. The annual meeting of stockholders for the election of directors, shall be held upon thirty days' notice thereof being published in a newspaper, published in the county of Kenosha.

Elect officers by ballot.

SEC. 4. At the time of the election of president by the board of directors, or at any other time, the said directors may by ballot elect one of their number as vice-president, who shall, in the absence of the president, perform all the duties of said president.

SEC. 5. This act shall take effect from and after its passage.

Approved, February 2, 1854.

**Chap. 21.** An Act to repeal a part of section 1, chapter 308, of the Session Laws of 1851.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That so much of an act entitled an act to vacate a part of the town plat of the village of Oshkosh, and to legalize a subsequent survey, approved March 15, 1851, as vacates Bond and Division streets, referred to in said act, is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 2, 1854.

**Chap. 22.** An Act to amend an act entitled an act to incorporate the Fort Winnebago, Barraboo Valley, and Minnesota Railroad Company, approved March 13, 1851.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of the act to which this act is amendatory, is hereby so amended as that the capital



stock of said company shall be ten millions of dollars, instead of one million of dollars, as therein provided.

SEC. 2. Section ten of said act is hereby so amended, as to allow said company until the first day of September, one thousand eight hundred and fifty-five, to commence the construction of their said road, instead of three years from the passage of said act, as in said section [provided.]

SEC. 3. Said act is further so amended, as to authorize said company to construct a branch of their said road from any point on said road to Madison, in the county of Dane, and State of Wisconsin.

Approved, February 2, 1854.

An Act to change the time of holding the County Court in the County of Washington. Chap. 23.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The terms of the county court for the county of Washington shall be holden on the last Monday of March, June, September and December, in each year.

SEC. 2. All recognizances, process and proceedings in said court, or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the time fixed herein for holding said court.

SEC. 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed, and this shall take effect from and after its passage.

Approved, February 2, 1854.

An act to vacate a portion of a street therein named.

Chap. 24.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that portion of Division street, lying south of Mill street, in the village of Plymouth, in Sheboygan county, is hereby vacated.

SEC. 2. This act shall take effect, and be in force, from and after its passage.

Approved, February 2, 1854.

## Chap. 25.

An act to vacate the plat of the village of Buffalo.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That the village plat of the village of Buffalo, situated upon section No. twenty-nine, (29) township No. fifteen, (15) north of range of No. nine, (9) east, in the county of Marquette, be, and the same is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 3, 1854.

Chap. 26. An Act to incorporate the Second Ward Cemetery Association in the City of Milwaukee.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Body corporate.

SECTION 1. William Ferdinand Otto, Joachim F. Luck, Charles E. Jenkins, David Knab, Benjamin Church, William Reinhard and Jacob Obermann, and their associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name and style of "The second ward cemetery association," and as such shall have all the rights, powers, privileges and immunities, conferred on cemetery associations by chapter forty-eight of the Revised Statutes.

Property held.

SEC. 2. All the property, real and personal, now held by the second ward cemetery association as heretofore organized, shall become vested in and shall belong to the said association hereby incorporated, and the said association shall succeed to and hold the title to lot six of the sub-division of the south-west quarter of section nineteen, in township seven north, and range twenty-two east, which was conveyed to the second ward cemetery association by William Ferdinand Otto, and Caroline, his wife, by deed bearing date December 31, 1850; *subject, however,* to the mortgage thereon for the purchase money executed by said association to the said Otto.

Officers of association.

SEC. 3. The affairs and property of said association shall be managed and conducted by a board of three trustees, a majority of whom shall constitute a quorum for the transaction of business, and shall have all the powers conferred upon trustees of cemetery associations by said chapter

forty-eight of the Revised Statutes. They shall be elected annually by the members of the association, and shall hold their office for one year, and until their successors be elected. They shall appoint one of their number president, and shall have power to elect a secretary and treasurer.

SEC. 4. The annual meeting of the association shall be held on the first Monday in February in each year, at such hour and place as the board of trustees may direct, in conformity with the by-laws. William Ferdinand Otto, Joachim F. Luck and Benjamin Church, are hereby constituted trustees of the association, and shall hold their offices until the annual election in 1855, and until their successors are chosen. Annual meetings.

SEC. 5. The said association may take by purchase, gift, or otherwise, and hold such real and personal estate within the county of Milwaukee, as other cemetery associations may take and hold under the provisions of section seven of said chapter forty-eight of the Revised Statutes. May hold real and personal property.

SEC. 6. All persons who are or hereafter shall be owners of any lot or lots laid out for burial purposes in any land belonging to the said association, shall be members thereof.

SEC. 7. The act shall take effect from and after its passage.

Approved, February 3, 1854.

An Act to incorporate the Prairie du Chien Academy.

Chap. 27.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. H. L. Dousman, Alonzo Pelton, John Thomas, Ira B. Brunson, Hiram A. Wright, Samuel A. Clark, Wiram Knowlton, B. W. Brisbois, J. S. Howell, Buel E. Hutchinson, Isaac P. Perrot Gentil, Leander Leclerc and Thomas A. Savage, and such persons as may hereafter be associated with them, are hereby created a body corporate and politic, with perpetual succession, by the name and title of the "Prairie du Chien Academy," to be located at Prairie du Chien, in the county of Crawford, by which name they, and their successors, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law or equity ; and may purchase, receive, acquire, rent, possess, hold and enjoy property, real, personal and mixed, Body corporate.

and may sell, convey, lease or otherwise lawfully dispose of any such property. And may have a common seal, and alter the same at pleasure.

Stock.

SEC. 2. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as may be prescribed by the by-laws of said corporation.

Meetings of association.

SEC. 3. Any three of the above named persons may call a meeting of said association for the purpose of organizing, by publishing a notice of the time, place and object of such meeting, in a newspaper published in said town of Prairie du Chien for two successive weeks. And at all meetings and elections of said corporation, each stockholder shall be entitled to one vote for each share of stock he may hold, and he may give such vote or votes either in person or by proxy.

Election of trustees.

SEC. 4. At the first duly notified meeting of the stockholders of said corporation in which a majority of the stock shall be represented, they may elect five trustees, who shall hold their office for the term of two years, and until their successors shall be elected and qualified. The trustees shall designate one of their number as president, one as secretary, and one as treasurer, and appoint from the stock holders such other officers and agents as may be required by the by-laws; and shall make such by-laws and regulations as they may deem proper, not inconsistent with the constitutions and laws of the United States and State of Wisconsin, subject to the approval and rejection of the stockholders.

SEC. 5. The powers granted in this act shall be exercised only for the object of educating the youth; and no religious test shall be required from any officer, teacher, or student; nor shall any sectarian doctrine ever be taught therein.

Approved February 3, 1854.

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**Chap. 28.** An Act to amend section 30, of the Private and Local Statutes of the State of Wisconsin, for the year A. D. 1853.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That section one of said chapter is hereby so amended, that said company, their associates, successors and assigns, are created a body corporate for the purpose

of improving the navigation of the Wisconsin river, from Point Bas, in Portage county, to and including "Big Bull Falls," in Marathon county, in any manner they may deem most expedient.

SEC. 2. That section twelve of said chapter is hereby so amended, that wherever the word "one" occurs, in said section twelve, the word "two" is hereby substituted.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 3, 1854.

An Act to incorporate the North-Western Iron Company.

Chap. 29.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That all such persons as shall become stock- **Stockholders.** holders to the capital stock, hereinafter mentioned, their successors and assigns shall be, and hereby are, constituted and made a body politic and corporate, by the name and style of "The North-Western Iron Company," and by that name shall be capable, in law and equity, of suing, and being sued; pleading, and being impleaded; answering, and being answered unto; defending, and being defended, in all courts and places, whatsoever; in all manner of actions, suits, complaints, matters and causes, whatsoever; and of contracting, and being contracted with; buying and selling; granting and conveying, and receiving grants and conveyances; and of receiving, taking, having, holding, selling and conveying personal and real estates; and they may have a common seal, which they may alter, break, or renew at pleasure.

SEC. 2. The capital stock of said company shall not ex- **Capital stock.** ceed five thousand shares, of one hundred dollars each, which shall be deemed to be personal property, and be issuable and transferable as the by-laws of the company shall direct.

SEC. 3. In addition to the other powers herein conferred, **May hold real estate.** the said company shall have power to purchase and hold as well other real estate, as iron ore beds; and to dig, raise, and smelt such iron ore or other ores, and generally to blast, roll, hammer, and manufacture iron in every department thereof, and for that purpose may erect, use, own, and operate any and all dams, water works, mills, engines,

SEC. 3. At the sale of said claims, the officer making the same shall only offer to sell the right, title and interest of the delinquent claimant to the land specified, and no other or better title shall be conveyed to or vest in the purchaser.

Approved, February 10, 1854.

Chap. 32 An Act to amend an act entitled an act for the division of the county of Washington, and the erection of the county of Ozaukee; Approved, March 7, 1853.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Register and clerk shall transcribe records.

SECTION 1. That it shall be the duty of the register of deeds and clerk of the circuit and county courts of Washington county, and clerk of the board of supervisors of the county of Ozaukee, to procure suitable books for, and transcribe therein, from the records of Washington county, all records of, or pertaining to the title of any and all real and personal property lying and being within the county of Ozaukee; also the records of the circuit and county courts of all suits and causes heretofore determined, or may be hereafter determined, wherein the parties, or the defendants therein interested, reside in the county of Ozaukee; and it shall be the duty of the clerk of the circuit and county courts of Washington county, to deliver to the clerk of said courts of Ozaukee county, to be filed in his office, all the files of papers in such causes.

Duty of said officers.

SEC. 2. It shall be the duty of the said officers to deliver a copy of all other records and transcripts pertaining to the present county of Ozaukee, contained in the records of Washington county, now in the possession of the aforesaid officers, or that may hereafter come into their possession. And when said records are so transcribed and delivered to the several officers of Ozaukee county, they shall be the records of said county, and be evidence in all courts the same as the original. The cost of transcribing said records and procuring said books, shall be paid rateably by the said counties of Washington and Ozaukee, upon the basis of the assessment rolls of said counties of the year 1853; *Provided*, that not more than five cents per folio shall be allowed for said transcribing.

SEC. 3. That all acts or parts of acts contravening this act are hereby repealed, and this act to be in force from and after its passage.

Approved, February 10, 1854.

An Act to provide for laying out a State Road therein named.

Chap. 33.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That George Paine, Peter Haskins and William Pitts, be and are hereby appointed commissioners to lay out and establish a state road commencing at the village of Waunona, in the county of Richland, thence up the valley of Bear Creek to the head of said valley, thence on the most practicable route to the village of Reedsburg, in Sauk county.

SEC. 2. The commissioners shall be entitled to such compensation for their services from the counties through which the road passes, as the supervisors of said counties shall deem just: *Provided* the state shall be to no expense for the same.

Approved, February 11, 1854.

An Act to authorize the trustees of the North Presbyterian Church, in the city of Milwaukee, to borrow money.

Chap. 34.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The trustees of the North Presbyterian Church, of the city of Milwaukee, are hereby authorized to borrow a sum of money not exceeding twenty-five hundred dollars, for the use and benefit of said society, and to execute a mortgage, as such trustees, on the real and personal estate belonging to said society, to secure the payment of the sum so borrowed, as aforesaid, and the interest thereon.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 11, 1854.

An Act to legalize the acts of School District No. 4, in the town of Kendall, in Lafayette county.

Chap. 35.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The proceedings of a school meeting held in school district No. four, in the town of Kendall, on the fifteenth day of November, eighteen hundred and fifty-two, and subsequently, at a special meeting in

said school district, *are* hereby declared to be legal and valid, and the officers of said school district are hereby empowered to proceed in the collection of the taxes levied at said regular and special meetings, in the manner now provided by law.

SEC. 2. This act shall be in force and take effect from and after its passage.

Approved, February 11, 1854.

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**Chap. 36.** An act to repeal chapters 41 and 377 of the Private and Local laws of 1853.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That chapter 41, of the private and local laws of 1853, entitled "an act to provide for the erection of county buildings in the county of Calumet," approved, February 28, 1853, and chapter 377, of said private and local acts, entitled "an act to provide for the erection of county buildings in the county of Calumet," approved, July 12, 1853, are hereby repealed.

SEC. 2. That all acts and parts of acts repealed by said acts aforesaid, are hereby revived.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 11, 1854.

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**Chap. 37.** An Act authorizing the State Superintendent to apportion money to the town of La Crosse, in La Crosse county.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The state superintendent is hereby authorized and required, in appropriating the income of the school fund for the year one thousand eight hundred and fifty-four, among the several towns and cities of this state, to apportion to the town of La Crosse, in La Crosse county, such proportion of said fund as it may be entitled to, according to the number of children residing therein between four and twenty years of age, if it shall be made to appear to the state superintendent that schools have been taught therein, by qualified teachers, for three months during the year ending August 31, 1853, said town having complied with the law relative to raising money by tax for the support of schools.

Approved, February 11, 1854.



## An Act to incorporate the Badger Mining Company.

## Chap. 38.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Azel P. Ladd, Caleb Potwine and L. P. Wigler, and their associates, successors and assigns, are hereby constituted a body corporate and politic, by the name and style of the Badger Mining company, and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto, in all courts of law and equity; may have a common seal, and alter the same at pleasure, and may enjoy all privileges incident to a corporation for the purpose of mining, smelting, or manufacturing lead or other metal, and ores thereof, in the state of Wisconsin. Body corporate.

SEC. 2. Said corporation shall have power to purchase, hold and convey real estate; *Provided*, that the costs of the real estate held by said company at any one time, shall not exceed three hundred thousand dollars. Can hold real estate.

SEC. 3. The first meeting of said corporators may be called by the persons named in this act, or by a majority of them, at such time and place as they shall designate; and at such meeting, and all other meetings duly notified, such corporation may make and alter such by-law, rules and regulation for the management of the business of said corporation as a majority may direct, not repugnant to the laws of this state nor of the United States. First meeting.

SEC. 4. Said corporation may divide their stock into many shares, and provide for the sale and transfer thereof, in such manner as said corporation shall from time to time deem expedient. as Stock.

SEC. 5. This act is hereby declared to be a public act, and the same shall be construed favorably in all courts and places whatever; and shall take effect and be in force from and after its passage.

Approved, February 11, 1854.

## An Act to change the name of Christina Barbara Zeijher, to that of Christina Barbara Bauer.

## Chap. 39.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the lawful name of Christina Barbara Zeijher, a daughter of John George Zeijher and Christina Raisser, born on the 19th day of July, 1848, shall here- By what name to be known.

after be Christina Barbara Bauer, by which name she shall be known to all legal intents and purposes.

By whom to  
be maintained.

SEC. 2. The said Christina Barbara Bauer shall be the child and heir at law of Joseph Bauer and Augusta Bauer, his wife; and it shall be the duty of said Joseph Bauer and Augusta, his wife, to maintain, provide for, and educate the said Christina Barbara Bauer in the same manner as if she was their natural child; *Provided*, however, that nothing in this act contained shall preclude the court of chancery, or any other court of competent jurisdiction, from taking unto their custody the said Christina Barbara Bauer as a ward of said court, and from the disposing of her in such manner as shall seem meet to them, nor shall anything in this act contained prevent the natural father of Christina Barbara Bauer from having the custody and care of her, in case such court or courts may deem it for the best interest of said Christina Barbara Bauer, that her natural father should have the care of maintaining and educating her.

Act when to  
take effect.

SEC. 3. This act shall take effect from and after its passage; *Provided*, that this act shall have no force until the said Joseph Bauer shall assent thereto by an instrument in writing, to be by him subscribed and acknowledged and recorded in the office of the register of deeds of the county in which the said Bauer resides.

Approved, February 11, 1854.

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**Chap. 40.** An Act to authorize the Towns therein named to subscribe for Plank Road Stock.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Supervisors  
may subscribe  
stock.

SECTION 1. The boards of supervisors of the towns of Grand Chute, Greenville, Hortonia, Mukwa, Centreville, Waupacca, Scandinavia, Plover and Stevens' Point, or any of said towns, are hereby authorized under the restrictions and conditions hereinafter mentioned, to subscribe in behalf of said towns, or of any of them, to the capital stock of the Wolf River branch of the Winnebago Lake and Fox River plank road company, such amounts not exceeding ten thousand dollars for any one town, as may be declared by the board of directors of said company necessary for the completion of said road at the time of such subscription, and to pay for the same in bonds of the town or towns so subscribing, payable in fifteen years from the

date thereof, with interest, at a rate not exceeding ten per cent. per annum, payable annually, at such place within or without the boundaries of this state as shall be therein named.

SEC. 2. The board of supervisors of any town so subscribing, and in which such bonds shall be issued, shall annually levy a tax upon the taxable property of such town sufficient to pay the interests upon such bonds, together with the expenses of collecting and paying over the same, after deducting any dividends that may be due to said towns upon said shares of stock so subscribed for by them, and the treasurer of every such town shall collect the said tax, and apply the proceeds thereof to the payment of the interest due on the bonds so issued by said town. May levy tax.

SEC. 3. The shares of stock in said company that shall be issued to any town so subscribing, and all dividends arising therefrom, shall be by the terms of said bonds irrevocably pledged for the payment of principal and interest upon said bonds. *Provided*, that the board of supervisors of any town so subscribing may sell such shares of stock, and apply the proceeds to the payment of interest and principal on the bonds so issued by said town. Stock may be issued to towns.  
Proviso.

SEC. 4. When the principal sum named in such bonds shall become due, the boards of supervisors of each town so having issued them, shall levy a tax upon the taxable property of such town sufficient for the payment of such principal sum, with the expenses of collecting and paying over the same, and such tax shall be collected and paid over in the same manner as the tax mentioned in section second of this act.

SEC. 5. The board of supervisors of each town so subscribing shall annually appoint one road stock commissioner for such town, who shall reside in such town, and shall attend all the annual or special meetings of the stockholders of said company, and shall be entitled to cast one vote for every share of stock which such town may hold in said company; and in case of the absence or inability to attend of any such commissioner, he may appoint in writing under his hand, some other person who shall have the same power. How to be paid.

SEC. 6. No bonds shall be issued by any town in pursuance of this act, unless a majority of the votes cast in said town at the election hereinafter mentioned shall be in favor of the same. When bonds may be issued.

SEC. 7. A special election shall be called and held in

**Elections.**

each of the towns before named, for the purpose of carrying this act into effect within six months after the passage of this act. At such election those voting in favor of the subscription of stock, and the issuing of bonds in accordance with the provisions of this act, shall put in ballots having inscribed on them the words "For the Road;" and those voting against such subscription and issue of such bonds, shall put in ballots inscribed with the words "Against the Road;" notice of such election shall be given for two weeks successively next preceding said election, in some newspaper printed in the county where the town so voting is situated, and such elections, and the canvass thereof, shall be held at the same place, and conducted by the same persons, and in the same manner in all respects as the annual town meetings of each town.

SEC. 8. This act shall take effect from and after its passage.

Approved, February 10, 1854.

**Chap. 41.** An Act for the relief of the Towns of Potosi and Clifton, in Grant County.

*The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

**State treasurer to credit.**

SECTION 1. The state treasurer is hereby authorized to credit the treasurer of the county of Grant with the sum of one hundred and seventy six dollars sixty four cents and six mills, being the amount of state tax for the year 1853, overpaid by the town of Potosi, in said county.

**Ditto.**

SEC. 2. The state treasurer is also authorized to credit the said treasurer of Grant county, with a further sum of fifty three dollars seventy six cents, being the amount of state tax for the year 1853, overpaid by the town of Clifton, in said county.

**County treasurer to repay.**

SEC. 3. The treasurer of the said county of Grant is hereby required and authorized to repay to the treasurers of the said towns of Potosi and Clifton in said Grant county, the amounts overpaid by them.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, February 11, 1854.

An Act to authorize the County of Kenosha and the Towns therein, through which the Kenosha and Beloit Railroad passes, to aid in its construction. **Chap. 42.**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** It shall be lawful for the county of Kenosha, County, city or village may subscribe for stock. or any town, incorporated city or village in said county, through which the Kenosha and Beloit railroad shall run, to issue and deliver to said railroad company its bonds payable to such person or persons, trustees or corporations, or to said company, at such time, for such sum or sums, at such rate of interest, transferable by general or special endorsement or by delivery, and in such manner as may be agreed upon by and between the directors of said railroad company and said county, town incorporated, city or village, as hereinafter provided; and to receive in exchange for such bonds the stock or bonds of said railroad company, in such manner as shall be agreed upon by and between the directors of said railroad company and such county, town, incorporated city or village as hereinafter provided, but no such bonds shall be issued or delivered to said company by the said county of Kenosha, or any town, incorporated city or village therein, unless a majority of the legal voters of said county town, incorporated city, or village, voting on the question shall first have voted in favor of such issue in manner hereinafter prescribed.

**SEC. 2.** It shall be lawful for the Kenosha and Beloit railroad company to issue its bonds to the treasurer of said Kenosha county, or to the treasurer of any town, incorporated city or village therein, or to any trustee therein named, or as shall be agreed upon, in sums of one thousand dollars each, which shall not exceed in the aggregate eight thousand dollars per mile of the whole surveyed line of the said railroad, and bearing an interest not exceeding the rate of seven per cent per annum, payable at such place and at such time not exceeding twenty years from their date, as said company shall elect, with a provision making them transferrable by general or special endorsement or delivery, and all such bonds which shall be delivered to said county town, incorporated city or village, in exchange as aforesaid, shall contain a stipulation guaranteeing the payment of the principal and interest which shall become due and payable on the bonds of said county town, incorporated city or village, received in exchange therefor by said company, and to secure the payment of such bonds and the interest thereon, it shall also be lawful

for the company to execute and deliver to the treasurer of said county, town, incorporated city or village, or to any trustee, as shall be agreed upon, a deed or deeds of conveyance of the whole or any part of such surveyed road, to be called a second mortgage of all the present and future to be acquired property of said company in said road, together with the superstructure and tracks, and all rails and other materials used therein, bridges, viaducts, culverts, fences, equipments, depots, grounds and buildings thereon, and all other personal property; which said second mortgage or mortgages shall be taken, deemed and held to be subject and secondary to another deed of conveyance to be called a first mortgage of all the aforesaid property, which said first mortgage, whether it shall have been executed prior or subsequent to said mortgage or mortgages in point of time, shall constitute the first lien upon said railroad, and all of the aforesaid property, but said first mortgage shall not be issued to secure the payment of bonds to a greater amount than ten thousand dollars per mile of the whole length of said road, nor bearing

Rate of interest.

Lien upon road.

Company may exchange its stocks.

SEC. 3. Whenever said railroad company shall desire to exchange any amount of its stocks or bonds for the bonds of said county, or any town, incorporated city or village therein, it shall make and deliver to the clerks of the board of supervisors of said county, the town clerk, or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president and secretary of said railroad company, and sealed with the common seal of said company, which proposition shall contain a distinct statement of the amount of the stock or of the bonds of said company which the said company propose to issue to said county, or any town, incorporated city or village, the time when said bonds shall be payable, the amount for which they shall respectively be issued, the rate of interest which they shall bear; and it shall also contain a distinct statement of the amount of the bonds of said county, or any town, incorporated city or village

therein, which the said company propose to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee or corporation to whom they shall be payable, the mode of transfer, the amount of such bonds and the aggregate amount, the rate of interest and the time of payment. Upon reading such definite proposition, the clerk of the board of supervisors of said county, the town clerk [ ] of such incorporated city or village, as the case may be, shall immediately publish or cause to be published a notice of an election to be held by the legal voters of said county, or of any town, incorporated city or village therein, at the usual place or places of holding elections in said county, or in such town, incorporated city, or village, which election shall be held at the usual time for holding the annual town meetings in the several towns in said county, or at any general election held in said county, which notice shall contain a statement of the proposition made by said railroad company with reference to the exchange of its stock or bonds for the bonds of said county, town, incorporated city, or village, and shall call upon the voters to deposite a ballot upon which shall be written or printed the words "For the Railroad Proposition," or the words "Against the Railroad Proposition," or other words tantamount thereto.

Shall vote upon the question.

Form of ballots.

SEC. 4. Such county election shall be held and conducted in the same manner as other general elections in said county, and in any town, in the same manner as other annual town meetings, and in any incorporated city or village, in the same manner as all other annual charter elections, and the votes cast at any such election shall be counted, canvassed and returned as required by law for general elections, town meetings, or charter elections respectively, and the canvassers, in the case of any county election, shall make, certify, sign and deposit with the clerk of the board of supervisors of said county a statement of the whole number of votes cast upon such question, also a statement of the number of votes cast "For the Railroad Proposition," and of the number cast "Against the Railroad Proposition," and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

Elections, how conducted.

SEC. 5. If a majority of the legal voters who shall vote on the question at any election to be held in said county, or in any town, incorporated city or village therein, in

How treasurer to proceed.

pursuance of the provisions of this act as indicated by the official returns of any such election, vote "For the Railroad Proposition," it shall be the duty of the treasurer of said county, or of any town, incorporated city or village therein, upon receiving from the directors of said railroad company stock or bonds in conformity with the proposition of said railroad company, to execute, issue and deliver to the directors of said railroad company the bonds of said county, town, incorporated city or village, in conformity with said proposition, such bonds to be countersigned by the clerk of said county, town, incorporated city or village, and sealed with the corporate seals of said county, town, incorporated city or village respectively, in case they have such corporate seal.

County and  
towns liable.

SEC. 6. The county of Kenosha, and every town, incorporated city or village therein, shall be severally liable in law faithfully, promptly, and at maturity, to pay and discharge the principal and interest due upon every such bond issued under the provisions of this act, and the separate faith of said county, and of every such town, incorporated city or village therein, shall, upon the issuance of such bond or bonds be irrevocably and inviolably pledged for the prompt discharge of every such liability, and the said county of Kenosha, and every such town, incorporated city or village therein, shall annually provide for the payment of the interest payable on said bonds, and when necessary shall levy a tax on all its taxable property for the payment of the annual interest on all bonds which it may issue in accordance with the provisions of this act, in addition to all other taxes, equal in amount to the amount of the annual interest on all the bonds which it may issue as aforesaid.

SEC. 7. This act shall take effect, and be in force, from and after its passage.

Approved, February 13, 1854.

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**Chap. 43.** An Act to amend Chapter 258 of the Session Laws of 1850, and the several Acts amendatory thereto.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Amendatory  
section.

SECTION 1. Chapter two hundred and fifty eight of the session laws of 1850, entitled "an act to incorporate the Fort Winnebago and Duck Creek plank road company," and the several acts amendatory thereto, are hereby



amended as follows: Every person who shall wilfully break or throw down, or otherwise maliciously injure any gate erected on the plank road of said company, pursuant to said act or any acts amendatory thereto, or shall wilfully and knowingly obstruct or break, injure or destroy the road so constructed or to be constructed by said company, or any work or fixtures attached to or in use upon or about the same belonging to said company, or shall do any damages to said road, every such person or person so offending shall, each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty.

SEC. 2. Every person traveling on said road who shall falsely report, or refuse to report when requested so to do by any toll gatherer or other person employed on said road, the distance he shall have traveled or desires to travel on said road, or shall refuse or neglect to pay the legal tolls therefor, or shall run through or pass by any gate on said road for the purpose of avoiding the payment of tolls, or shall fraudulently pass any such gate without having paid the legal toll, or shall pass or travel over any grounds adjacent to said road, and pass by any such gate over any such adjacent grounds to avoid the legal toll, or shall in any manner avoid the payment of the legal toll to which he may be liable, every such person or persons so offending shall each of them, for every such offence, forfeit the sum of ten dollars to and for the use of the company, and also be liable to said company for all damages done to the profits of said company, to be recovered by said company in an action of trespass. Penalty for refusing to pay toll.

SEC. 3. On the completion of said road, or any portion thereof, not less than two and a half miles, the company may erect one or more toll gates thereon, and may demand and receive such tolls as from time to time they may think reasonable, not exceeding the following rates, to wit:— Company may erect toll gates.

For every vehicle drawn by two animals two cents per mile, and one half cent per mile for every additional animal. Rate of toll.

For every vehicle drawn by one animal, and for every horse and rider one cent per mile.

For every horse, mule, or neat cattle, and half score of sheep or swine, one half cent per mile; and also the fol-

lowing additional rates for crossing the bridge over Duck Creek and the adjacent marsh, being eight hundred and sixty four feet long, or thereabouts, to wit:

**Rate of toll.** For every vehicle drawn by two animals six cents, and two cents for every additional animal.

**Ib.** For every vehicle drawn by one animal, and for every horse and rider four cents.

**Ib.** For every horse, mule, or neat cattle, and half score of sheep or swine, one cent.

**Company may hold property.** SEC. 4. Said company shall be capable in law of purchasing, holding, selling, leasing and conveying estates real, personal and mixed, for the use of said road, to any amount not exceeding two thousand dollars.

**May borrow money.** SEC. 5. The said company is hereby authorized to borrow money to be used in the construction and equipment of said road, and make and deliver in the corporate name of said company all necessary mortgages on the road, and proper bonds, certificates, notes and other writings to secure the payment thereof; *Provided*, that the aggregate of such security shall not exceed at any one time three-fourths of the whole amount actually expended by said company in the construction of said road.

**Declared a public act.** SEC. 6. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

SEC. 7. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 8. This act shall become a law from and after its passage.

Approved, February 14, 1854.

**Chap. 44.** An Act to vacate the Plat of a certain Block in the City of Milwaukee therein named, and to authorize the owner thereof to re-plat the same.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Block vacated.** SEC. 1. The plat of block number one hundred and sixty one (161), in the second ward of the city of Milwaukee, heretofore made, by which said block is laid out into lots and alleys, is hereby vacated and set aside.

**May re-plat the same.** SEC. 2. The owner or owners of all the lots in said block number one hundred and sixty one (161) is and are hereby authorized and empowered to re-plat said block, and lay the same out in such form as in the judgment of such

owner or owners shall be most advantageous and most convenient for the public, and to cause a map thereof to be made showing particularly how and in what manner the said block shall have been re-platted and laid out, the size and numbers of the lots, and the course and width of the alley or alleys through the same, which map shall be certified and authenticated according to law, and shall in addition have annexed to, or endorsed thereon, a certificate of the owner or owners of all the lots in said block as now laid out; that such owner or owners approve of and assent to such new platting and laying out of said block, which certificate shall be duly acknowledged, and shall be filed and recorded, together with such map, in the office of the register of deeds of Milwaukee county.

SEC. 3. This act shall take effect from and after its passage.

Approved, February 14, 1854.

An Act to repeal Chapter two hundred and fifty of the private and local Statutes of 1853.

Chap. 45.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter two hundred and fifty of the private and local statutes of Wisconsin of 1853, entitled an act to lay out a state road therein named, is hereby repealed.

SEC. 2. This act shall take effect immediately after its passage.

Approved, February 14, 1854.

An Act to authorize the Town Superintendent of the Town of Benton, in Lafayette County, to pay over certain Monies.

Chap. 46,

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The superintendent of common schools, in the town of Benton, in the county of Lafayette, is hereby authorized and required to pay over to the treasurer of the new school district, set off from school district number one in said town, upon the decision on appeal of the state superintendent, a pro rata share of the public monies due to said district number one.

Superintendent to pay over money.

SEC. 2. This act shall take effect, and be in force, from and after its passage.

Approved, February 15, 1854.

**Chap. 47.** An Act to amend an Act entitled "An Act to incorporate the Milwaukee and Watertown Railroad Company, approved March 11, 1851.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Amendatory section.**

**SECTION 1.** The act entitled "an act to incorporate the Milwaukee and Watertown railroad company," approved March 11, 1851, is hereby so amended, that the directors of said company are authorized and empowered to increase the capital stock to such an amount beyond the amount limited in section two of said act, as they may deem necessary to provide and secure the means for the completion and equipment of said railroad between Milwaukee and Watertown, and to such additional amount as may be necessary to exchange for such securities as have been or may hereafter be made convertible into the capital stock of said company by resolution of the board of directors of said company.

**Liability.**

**SEC. 2.** All privileges of conversion into the capital stock attached by said corporation to any securities issued or used by said railroad company are hereby confirmed and made legally binding upon the said railroad company.

**SEC. 3.** This act shall be in force from and after its passage.

Approved, February 15, 1854.

**Chap. 48.** An Act to authorize certain Towns to subscribe Stock in the Milwaukee and Fond du Lac Plank Road.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Supervisors may subscribe stock.**

**SECTION 1.** That the supervisors of any town through which the Milwaukee and Fond du Lac plank road may be located, or has been already located, by and with the consent of a majority of the legal voters of any such town, to be expressed as herein provided, be and they are hereby authorized and required to subscribe, in the name and for the benefit of such town, to the capital stock of the Milwaukee and Fond du Lac plank road company, an amount not exceeding six thousand dollars.

**May borrow money.**

**SEC. 2.** The supervisors of said towns, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money for which they shall issue the bonds or obligations of such towns, signed by the supervisors of the same,

in amount not less than fifty dollars; which bonds or obligations shall be made negotiable, bearing interest, payable annually at such place and at such rate not exceeding ten per centum per annum, as may be agreed upon; and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said supervisors; or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock, as said supervisors and the officers of said company may agree.

SEC. 3. The supervisors of such towns shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein, and they shall also cause to be kept in the office of the town treasurer of their several towns, such bonds and entries as will fully exhibit all liabilities, receipts, disbursements, and the precise state of indebtedness of such towns arising in any manner under this act. Shall keep an accurate register.

SEC. 4. The faith of any town subscribing for stock under this act, and the nett profits or dividend upon the stock so subscribed by said town, shall stand pledged for the payment of the indebtedness and interest which may become due from said town under this act; and it is moreover made the duty of the supervisors of such towns so subscribing under this act, to add and levy such per centum of tax upon the assessment roll of all the taxable property in such town annually, in addition to the ordinary taxes of such town, to be collected as other town taxes, as shall be sufficient when added to the dividends or nett profits aforesaid, to pay the accruing interest, expenses, discounts, or any loans arising out of the sale of said bonds or obligations, or in any manner arising under this act, and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so raised when collected like other taxes, shall be applied to the purposes aforesaid, and none other. May levy tax.

SEC. 5. The supervisors of any such town so subscribing by themselves, or such agent or agents as they may appoint, shall have power to vote at all meetings of the stockholders of said plank road company in proportion to the stock owned by such towns, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do; and the said supervisors are hereby authorized, whenever they deem the Supervisors may vote at meetings of stock-holders.

same expedient, to sell and transfer any and all stock owned by such town in said company, in order to pay off the indebtedness which may accrue under this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town created under this act.

Shall be submitted to the qualified electors.

SEC. 6. That before any stock shall be subscribed by the supervisors of any of the towns aforesaid to the said plank road company under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such town in the manner following, to wit: on the written application to the supervisors of any such town of twenty or more qualified electors of said town, which application shall specify the amount of stock they desire said supervisors to subscribe to the capital stock of said company for the benefit of such town, it shall then be the duty of the supervisors of such town to give notice, by posting up in five or more of the most public places in such town, at least ten days before the time specified in said notice for holding said election, a written or printed notice, setting forth that on a certain day and at a certain place therein mentioned, an election will be held in such town for the purpose of deciding whether the supervisors of the town shall subscribe, in the name and for the benefit of said town, to the capital stock of the Milwaukee and Fond du Lac plank road company, the amount specified in the application aforesaid, which amount shall also be specified in the notice, and election shall be had and vote taken by ballot, and said election shall be conducted in all respects as provided for the holding and conducting town meetings, and each voter shall deposit his ballot with the words written or printed on the same, "For Subscription," or "Against Subscription," and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided for in this act, but not otherwise.

Manner of election.

Supervisors to make affidavit of notice.

SEC. 7. The said supervisors, or one of them, shall make or cause to be made an affidavit or affidavits of the posting up of the notice required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing also specified in the foregoing section, shall be by them or him deposited in the office of the town clerk of their respective towns, and recorded in his office, and the said affidavit or affidavits, and applications, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all

courts of this state as conclusive evidence to prove the facts set forth and certified in the same.

Sec. 8. Any two of the supervisors of the town aforesaid may do or perform any act or thing which said supervisors are, by this act, authorized or required to perform.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved, February 16, 1854.

An Act to amend an Act entitled "an Act to incorporate the Potosi and Dodgeville Railroad Company," approved February 10, 1851.

Chap. 49.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The limitation contained in section ten (10) of the act, to which this act is amendatory, as to the time when said company shall commence the construction of their road, is hereby extended to two years from and after the passage of this act.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, February 16, 1854.

An Act to provide for laying out a State Road from Stevens' Point, in Portage County, to Black River.

Chap. 50.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Albert Ellis, Andrew Warren, Jr., and Orrin Mayhee, are hereby appropriated [appointed] commissioners to lay out and establish a state road from Stevens' Point, in Portage county, to Black River: *Provided*, the whole expense of laying out said road shall be paid by the counties through which the road passes.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, February 16, 1854.

An Act granting to James F. Chapman the right to keep and maintain a Ferry across the Mississippi River.

Chap. 51.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. James F. Chapman, his heirs, executors or assigns, shall have the exclusive right and privilege, for exclusive right,

What manner  
ferries to be  
kept.

the period of ten years, of keeping and maintaining a ferry across the Mississippi river, on sections sixteen and fractional sections twenty two, in township number two, north of range three west of the fourth principal meridian.

SEC. 2. Such ferry shall be kept at either of said points, or at both, as the said Chapman may determine, and shall be subject to such regulations as other ferries are or may be by law subject, fixing the rate of toll in the manner which licensed ferries shall be kept and determined, and no ferry shall be licensed within three miles of either of the points mentioned in the first section.

SEC. 3. This act shall take effect from and after its passage.

Approved, February 16, 1854.

**Chap. 52.** An Act to authorize the Common Council of the City of Milwaukee to levy a Tax for Ward purposes, in the City of Milwaukee.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The common council of the city of Milwaukee may, at the time of levying other city taxes for the year 1854, increase the amount to be raised for ward purposes; such increased amount shall not exceed eight mills on the dollar upon all the taxable property of said ward; such tax to be collected at the same time and in the same manner that other city taxes are collected.

SEC. 2. This act shall be in force from and after its passage.

Approved, February 16, 1854.

**Chap. 53.** An Act to vacate a part of a certain Village Plat therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That all of that part of the village plat of the village of Marquette, in Marquette county, south of sixth street, and the south east quarter of block eighteen, be and the same is hereby vacated, excepting the streets known and described on said plat as Sherman's Avenue, resort and promenade, and that the name of Resort street be changed to Broadway.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 16, 1854.



An Act relating to the Baptist Society of Madison.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:* Chap. 54.

SECTION 1. The trustees of the Baptist Society of Madison are hereby authorized to issue the bonds of said society for such sums of money as they may require, not exceeding in the aggregate the sum of six thousand dollars, payable at such time and with such interest, not exceeding twelve per cent per annum, as they may deem proper, and secure the same by mortgage upon the lot now owned by them, and church edifice thereon. Trustees may issue bonds.

SEC. 2. Said trustees are also authorized to convey the title in fee simple of the lot or house owned by them, should they deem it for the interest of said society so to do, to such persons or to such religious society, and upon such terms as they shall see fit. Authorized to convey real estate.

SEC. 3. This act shall take effect from and after its passage.

Approved, February 16, 1854.

An Act to lay out and establish a State Road from Sextonville, in the County of Richland, to the Village of Victory, in the County of Bad Ax.

Chap. 55.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Samuel McMichael and John Harrison, of the county of Bad Ax, and Ira Hazelton, of the county of Richland, are hereby appointed commissioners to lay out and establish a state road, commencing at the village of Sextonville, in the county of Richland, and running thence to Richland Centre, the county seat of the said county of Richland, thence by way of Fancy Creek to Kickapoo, in the county of Bad Ax, thence to Viroqua, the county seat of said last named county, and thence over the most practicable route to the village of Victory, on the Mississippi River. Commissioners.

SEC. 2. The said commissioners shall receive a fair compensation for their services from the counties through which the said road shall be as aforesaid laid out, each county paying a just proportion of the same; *Provided*, that no part of the expenses for laying out said road shall be paid out of the state treasury. Commissioners may receive compensation.

Approved, February 16, 1854.

**Chap. 56.** An Act to authorize the Town of Howard to aid in the construction of the Fort Howard and Kaukauna Plank Road.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Supervisors  
may subscribe  
stock.

**SEC. 1.** The board of supervisors of the town of Howard, are hereby authorized to subscribe for the town of Howard, ten thousand dollars to the capital stock of the Fort Howard and Kaukauna plank road company, and to pay for the same in the bonds of said town, payable in twenty years, with interest, payable annually, within or without the boundaries of said state, at a rate not exceeding seven per cent.

Stock pledged.

**SEC. 2.** The shares of stock in said road thus taken by said town, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds: *Provided*, however, that the board of supervisors of said town may sell such shares of stock, but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds.

Shall levy tax.

**SEC. 3.** The board of supervisors of the town of Howard, whenever the same shall become necessary, shall annually levy a tax upon the taxable property of said town sufficient to pay the interest upon said bonds after deducting the dividends due to said town on said shares of stock.

Shall appoint  
one road stock  
commissioner.

**SEC. 4.** The board of supervisors of said town shall annually appoint one road stock commissioner, who shall attend the annual or special meetings of the stockholders of said road company for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which said town shall hold in said road company, or in case of his absence or inability to attend, to appoint, in writing, under their hands, some other person who shall have the same power.

Vote to be  
taken.

**SEC. 5.** No bond shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town, voting upon said question, shall vote in favor of the same, at an election called by the said board of supervisors for that purpose, to be held in the village of Fort Howard; at such elections those voting in favor shall vote a ballot with the words inscribed thereon "For issuing Bonds," and those voting against shall vote a ballot with the words inscribed thereon "Against issuing Bonds; three weeks notice of said election shall be given in a public newspaper, printed in Brown county, and this act shall be published therein. Said election shall be conducted, and

Form of ballot.

the returns thereof made and canvassed in the same manner as the annual town meetings of said towns.

Approved, February 16, 1854.

An Act to incorporate the Hustisford and Iron Ridge Plank Road Company. Chap. 57.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. John Hustis, Charles Burchard, James Lud-  
ington, George W. Chapmani, and E. D. Clinton, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Hustisford and Iron Ridge plank road company hereby incorporated. Commissioners

Sec. 2. The capital stock of said company shall not be less than twenty, nor more than one hundred thousand dollars, the amount to be determined by the board of directors hereinafter provided, to be divided into shares of one hundred dollars each, and as soon as one hundred shares of the capital stock shall be subscribed, and five per centum thereof actually paid in or secured to said company, the subscribers to said stock, with such other persons as may become associated with them for that purpose, their successors and assigns, shall be and they are hereby created and declared a body politic and corporate, by the name and style of the Hustisford and Iron Ridge plank road company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, conveying, and encumbering estate, real and personal, or mixed; of contracting, and being contracted with, and in their said corporate name may sue and be sued, plead and be impleaded, may have a common seal which they may change or alter at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do. Capital stock.  
May hold property.

Sec. 3. Upon the subscription of said one hundred shares of stock, as aforesaid, the commissioners aforesaid, or a majority thereof, may call a meeting of stockholders by public notice, or by personal notice served on each stockholder, for the purpose of electing a board of directors of said company. Upon the assembling of said stockholders, at the time and place appointed in the notice, they shall proceed to determine the number of directors to compose said board, which shall not be less than three, nor more than nine, and thereupon proceed to elect such board of Meeting of stockholders.

directors, by ballot. At such election, and at all subsequent elections by stockholders, each share of stock shall entitle the holder thereof to one vote, which may be cast by such holder, or by proxy, who shall exhibit to such meeting a written power to cast such vote for such absent stockholder.

**Eligibility of directors.**

SEC. 4. No one but stockholders shall be eligible as directors, and when any vacancy shall occur in said board the same may be supplied by the board at any meeting thereof.

**Majority to form a quorum**

SEC. 5. A majority of said directors shall form a quorum for the transaction of business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers as they shall deem fit, and to affix their compensation and to require from them adequate security for the performance of their respective trusts, and the said board of directors shall have power, generally, to manage the office and business of said company, to fix the amount of the capital stock of said company, not exceeding the said sum hereinafter limited; to make all rules and by-laws for the government of said company, its stockholders, officers and agents, to regulate the subscription of the capital stock, the payment of instalments thereon, and the forfeiture of stock subscription in default of payment of instalments, the issuing transfer and surrender of certificates of stock, which said by-laws when duly made and recorded shall be effectual and binding upon said company, the officers, agents and stockholders thereof, as if the same formed a part of this act of incorporation, so the said by-laws shall not be inconsistent with the laws and constitution of the state.

**Line of said road.**

SEC. 6. The said company shall have power to locate and construct a single or double track road, from any point in or near the village of Hustisford, in an eastwardly, northwardly, or northeastwardly direction, to intersect the La Crosse and Milwaukee railroad, and to the place known as Iron Ridge, or near the same, and to extend the same to the village of Mayville, or to any other point in the county of Dodge; the track of said road to be constructed of plank, stone or gravel, or either, in whole or in part, at the option of the directors, so that the same, when completed, shall constitute a firm and regular surface for the passage of waggons and carriages; and upon completion, any number of entire miles of said road, the said company may have and demand from all persons using said road, or

any part thereof, tolls, not exceeding two cents per mile Rates of toll.  
 for every vehicle, waggon, sled, sleigh, or carriage, drawn  
 by two animals, and if drawn by more than two animals  
 one cent per mile for every additional animal, and for  
 every such vehicle drawn by one animal one cent per mile,  
 and for every horse and rider, or led animal, one cent per  
 mile; for one score of sheep or swine, one cent per mile;  
 and for every score of neat cattle, five cents per mile. And  
 the said company may erect toll gates upon and across the  
 track of said road, and may detain and prevent from pass-  
 ing such gate, any animal or vehicle subject to toll, until  
 the toll thereon is paid.

SEC. 7. It shall and may be lawful for said company, May enter  
upon lands.  
 their officers, engineers and agents, to enter upon any  
 lands for the purpose of exploring, surveying and locating  
 the route of said plank road, doing no unnecessary damage;  
 and when said route shall be determined by said company  
 it shall be lawful for them, their agents, officers, engineers,  
 contractors and servants, at any time to enter upon, take  
 possession of, and use such lands, not exceeding four rods  
 in width, along the line of said route, subject however to  
 the payment of such compensation as the company may  
 have agreed to pay therefor, or as will be ascertained in  
 the manner hereinafter directed; *Provided*, that in such Proviso.  
 places as may be necessary for the company to obtain gra-  
 vel and stone, or to make excavations and embankments  
 for the construction of said road, the company may locate  
 the route of said road, not to exceed six rods in width, and  
 they may cut down such trees on each side of said road as  
 may endanger said road by falling or otherwise.

SEC. 8. When the said corporation shall not agree with Compensation  
for right of  
way, materials,  
&c.  
 the owner or owners of any land, gravel, stone, or other  
 material, required for the construction of said road, for the  
 purpose thereof, or for the compensation to be paid there-  
 for, or when by reason of the absence or legal incapacity  
 of the owner or owners, no such agreement or purchase  
 can be made, then, and in any such case, it shall be lawful  
 for any justice of the peace to issue a warrant, directed to  
 any constable of Dodge county, not directly interested, re-  
 quiring him to summon a jury of nine freeholders of said  
 county not interested in said property, to meet the said  
 justice at some convenient place, at or near the property  
 to be valued, on a day in said warrant, not less than five  
 nor more than ten days from the date of the said warrant;  
 and if at the time and place named any of the persons so  
 summoned do not attend, the said constable shall imme-

diately summon as many as may be necessary, with the persons in attendance, to make up a panel of nine jurors, and from them the said company and the owner or owners of the land in controversy shall each strike off each two jurors, and the five remaining jurors being first then and there sworn, by said justice, to faithfully and impartially discharge their duties as such jurors, in their behalf, shall immediately proceed to view the premises in question, and upon such view to estimate and appraise, and assess all damages which the owner or owners thereof shall sustain by reason of the construction of said road over and above the benefits and advantages resulting to said premises by reason of the construction of said road; and the said jurors, or a majority of them, shall then and there make out their return and assessment in writing, and deliver the same to the said justice of the peace, who shall within five days thereafter transmit the said assessment, duly certified by him, to the clerk of the circuit court of said county, who shall receive and file the same; the inquisition and assessment aforesaid shall substantially describe the property claimed by the company for said road, and when the amount so assessed, together with the costs of said inquisition, shall be paid or tendered to said owner or owners of said land, or deposited to his, her, or their use, with the clerk of said circuit court, the said land claimed shall be subject to the easement of said road, while and during the same shall be used and occupied as such in as full and complete a manner as said company could use and occupy the same if they were the owners in fee of the premises aforesaid; *Provided*, that any party to such inquisition feeling himself aggrieved by the finding of such jury, may appeal therefrom by entering into bonds, with sufficient sureties, to the clerk of the county court, for the use of the opposite party, in the sum of fifty dollars, conditioned and executed within the same time as appeals from justices of the peace; and thereupon the case as between said parties shall be docketed in said circuit court, and be therein heard and determined upon issue made up, in the same manner as issues of fact are made and tried in said county.

Proviso.

May receive  
real or personal  
property for  
stock.

SEC. 9. That said company may receive from any subscriber to the capital of said company, in lieu of money real or personal security, to the approval of said board of directors, and upon the acceptance of such security from such stockholders, the said subscription shall not be considered as fully paid, and a certificate or certificates of stock issued to such subscriber; and it shall be competent fo

the said stockholder or stockholders paying their subscriptions in such securities, to contract and pay said company any rate of interest not exceeding twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, its successors and assigns, notes, bonds and mortgages, which shall be available, for and by said company, and for all subsequent holders thereof, and transferable by them, or any of them, in the same manner as if the same were made payable to individuals, their proper order, heirs or assigns.

SEC. 10. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by said company, or any part thereof, or any work, building or fixtures attached to, or in use upon, the same, belonging to said company, such person or persons so offending shall, each of them, for every such offence be liable to a civil suit for the recovery of damages by said company, by action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty for injury done to road.

SEC. 11. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gates without having paid the legal toll, or to avoid the payment of the legal toll shall with his team, carriage, or animal, turn out of said road or pass any gate thereon or ground adjacent thereto, and return again on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of the said company, in an action of trespass. Penalty for refusing to pay toll.

SEC. 12. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

SEC. 13. This act may be altered or amended by any future legislature.

Approved, February 16, 1854.

**Chap. 58.** An Act to authorize the city of Fond du Lac to aid in the construction of Plank Roads.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

City authorized to subscribe stock.

**SECTION 1.** The city council of the city of Fond du Lac, are hereby authorized and empowered to subscribe an amount which shall not in the aggregate exceed twenty-five thousand dollars, for shares of the capital stock at its par value, of any plank road company, or companies, now or hereafter organized, or for the purpose of organizing any such company or companies, pursuant to any law of this state, for the purpose of aiding any such company or companies, in the construction of plank roads leading into or from the said city of Fond du Lac; and to issue city bonds to the amount of such subscription. But no such subscription to be made on stock to be taken, unless the said bonds shall be received as cash, for the full amount therein expressed.

In what manner.

**SEC. 2.** Said subscriptions may be made for any amount of stocks, not exceeding the aggregate amount aforesaid, in any such company or companies, now or hereafter organized, or for the purpose of organizing any such company or companies, as aforesaid, as the said city council may by resolution determine will be most beneficial for the interest of the city, and the said bonds may be issued for such sums or amounts, and to such person or persons, corporation or corporations, plank road company or companies, and in such form, and made payable at such place or places, and within such time or times, not exceeding twenty years, and with such interest, not exceeding twelve per cent per annum, as the said city council shall also by resolution determine.

Shall levy a tax to pay interest.

**SEC. 3.** For the purpose of paying the principal of said bonds, and the interest thereon, as the same shall become due and payable, the said city council are hereby authorized to levy a tax or taxes, and collect the same as other taxes in said city are levied and collected for city, county and state purposes.

Shall appoint road commissioner.

**SEC. 4.** The city council shall within ten days after they become authorized to subscribe for stock, and issue bonds, as in the sixth section prescribed, and annually thereafter on such day as they may by resolution designate, elect one or more persons out of their body, to be called plank road commissioner or commissioners, to represent the interest of the city in the stock, which may be subscribed



as aforesaid. And if the said city council shall elect more than one such commissioner, each commissioner so elected shall represent an equal amount of the stock so subscribed by said city in any such company or companies, and the number of shares which each shall represent shall be particularly designated.

SEC. 5. The said commissioner, or if more than one shall be elected, then each commissioner shall represent the said city of Fond du Lac, in the company or companies, in which the stock so designated for him to represent shall have been taken, and during the continuance of his office, and until his successor shall be elected, shall be entitled to represent the stock as taken in said company or companies, by said city, as fully as if he held said stock in his own individual right.

Said commissioner to represent said city.

SEC. 6. The bonds aforesaid shall not be issued, nor any such subscription made, until a majority of the legal voters of said city voting upon the question, shall vote in favor thereof, at an election to be held for that purpose, and it shall be the duty of the city council, immediately after the passage of this act, to call such election, and give one week's notice of the time and place for holding the same, by publishing such notice in some newspaper published in said city; and those voting in favor thereof, shall vote a ballot containing the words—"For loaning the credit of the city for plank road purposes;" and those voting against, shall vote a ballot containing the words—"Against loaning the credit of the city for plank road purposes;" and the said election shall be conducted, and the votes canvassed, in the same manner as other elections in said city.

Vote to be taken.

Form of ballot.

SEC. 7. All dividends which shall be made in favor of the city of Fond du Lac, by any company or companies, in which said city shall become a stockholder by virtue of this act, and to all monies to which said city shall be entitled from any such company or companies, shall be sacredly pledged and devoted to the payment of the interest and principal upon the bonds so issued by said city aforesaid, and until the interest and principal shall be fully paid, shall not be applied to any other purpose whatever.

Dividends.

SEC. 8. The commissioners in this act mentioned, shall not be entitled to any compensation for services rendered by virtue thereof.

SEC. 9. This act shall take effect and be in force immediately after its passage.

Approved, February 18, 1854.

Chap. 59.

An Act to amend an Act to incorporate the City of Oshkosh.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Amendatory act.

SECTION 1. Sections three and four of an act to incorporate the city of Oshkosh, approved March 25, 1853, are hereby so amended as to provide for the election of three aldermen in each ward of said city.

Property subject to taxation

SEC. 2. Real estate, exempted from taxation by the laws of the state, shall be subject to special taxes as other real estate under this act and the act to which the same is amendatory.

Repealing section.

SEC. 3. Section forty of an act to incorporate the city of Oshkosh, shall be and the same is hereby repealed.

Amendatory section.

SEC. 4. Sections thirty two and thirty five of an act to incorporate the city of Oshkosh, are hereby so amended as to authorize the common council to levy annually a tax upon all the property in said city subject to taxation, not exceeding three-fourths of one per cent. to defray the current expenses of the city; and also upon the property liable to taxation in each ward a tax not exceeding three-fourths of one per cent. per annum, to defray the current expenses of said ward.

Indebtedness.

SEC. 5. The aldermen of any ward shall certify to the council any debts contracted by such ward for the current year, and thereupon the common council shall (if such debt is a proper claim against such ward) allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amounts allowed: *Provided*, the said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward, to exceed the amount of tax which may be levied and collected under the provisions of this act to meet the expenses of the current year, assuming as a basis the tax list of such year, if then made out, and if not, then the tax list of the preceding year.

Provide.

Contracting debts.

SEC. 6. No alderman of any ward shall contract debts against such ward in any one year to an amount greater than the amount of tax, which, under the provisions of this act may be levied in such ward to meet the current expenses of the year; and if any alderman shall so contract debts to a greater amount, then such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had originally been contracted by such alderman personally:

*Provided*, that no alderman shall be held liable as aforesaid, without proof of his assent, as alderman, to the contracting of the liability or debt by the ward.

Sec. 7. Special taxes for improvements in any of the wards may be voted at any regular or special meeting of the qualified voters of such ward, but no such vote shall be taken unless said tax be first recommended by the common council, and a notice of the same specifying the purpose for which the tax is to be raised, and the time and place of voting be published, at least three weeks before such meeting, in some newspaper printed in said city; said taxes to be levied and collected in the same manner as is provided for the levying and collecting the annual city taxes, with the addition of the like interest, costs and penalty.

Sec. 8. All taxes and assessments, general or special, levied under this act, or the one to which this is amended, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll by the common council, and on all personal property of any person or body politic, assessed for personal taxes from the delivery of the warrant for the collection thereof until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Sec. 9. Section five of "an act to incorporate the city of Oshkosh," is hereby so amended as to provide that the three aldermen of each ward shall be the inspectors of election in such ward.

Sec. 10. The common council of the city of Oshkosh are hereby authorized to levy, as soon as may be, a special tax not exceeding one per cent. upon all the property in said city subject to taxation, to discharge the present indebtedness of said city; said tax to be levied on the basis of the assessment roll of the year 1853, and collected by the city treasurer at such time as the common council by ordinance shall direct, and in the same manner as other city taxes are collected; and if any portion of said taxes shall remain unpaid, and said treasurer shall be unable to collect the same, he shall return said lands and the taxes assessed hereon to the treasurer of Winnebago county, as provided in chapter fifteen of the revised statutes, and said county treasurer shall sell said lands for said taxes, interest and charges, as provided in said chapter fifteen of the revised statutes.

Style of ordinances.

SEC. 11. The style of all ordinances of the common council shall be "the mayor and common council of the city of Oshkosh do ordain."

Ordinances to be signed and published.

SEC. 12. All laws, ordinances, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published, as provided in section sixteen (16) of an act to incorporate the city of Oshkosh, and within fifteen days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations, or by-laws, shall be recorded, the publication thereof respectively within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. No appropriation shall be made, without a majority of the members of the common council in its favor, which votes shall be taken by ayes and noes, and entered among the proceedings of the council.

Repealing section.

SEC. 13. All acts, and parts of acts, inconsistent with the provisions in this act, shall be and the same are hereby repealed.

SEC. 14. This act shall take effect from and after its passage.

Approved, February 21, 1854.

## Chap. 60.

An Act to vacate an Alley in the Village of West Bend.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The alley in block number one, in the village plat of the village of West Bend, in the county of Washington, is hereby vacated.

Approved, February 21, 1854.

## Chap. 61.

An Act to incorporate the Saint Croix Valley Plank Road Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. Q. S. Maxon, W. M. Torbert, Postwick O'Connor, Benjamin Allen, Otis Hoyt, William Kent, C. A. Tuttle, Jeremiah M. Whaley, are hereby created

body corporate, by the name and style and description of the Saint Croix Valley Plank Road company, with perpetual succession, and by that name shall be and are hereby made capable in law to purchase, hold, enjoy, retain, to them and their successors, lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a plank road as hereinafter set forth; and the same to lease, sell, grant, or in any manner dispose of, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended; and also to make, have, and use a common seal; the same to alter or renew at pleasure, and generally may do and perform all and singular the acts and matters which to any corporation shall lawfully appertain to do and perform for the well being of said corporation.

SEC. 2. The capital stock of said corporation shall be **Capital stock.** one hundred and fifty thousand dollars, and shall be divided into shares of twenty five dollars each; and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for receiving subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscriptions; which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient, and so soon as three hundred shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

SEC. 3. The said corporators, or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders, for the purpose of electing **Meeting of stockholders.** seven directors, who shall hold their offices until their successors are elected, and annually thereafter; upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, the said stockholders shall meet to elect directors: *Provided*, that until the first election of directors, the said corporators above named, upon the subscription of three hundred shares of stock and the organizing of said corporators by the election by them of one of their number president, shall have all the powers, and perform all the duties of a board of directors for said company; and the corporate existence of said company shall be taken and held to have begun and be completed as if a regular election of directors had taken place; and in case of a vacancy at any time happening in the board of directors, or in the said board

of corporators acting in the capacity of directors, the board shall have power to fill such vacancy.

Directors.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders in person or by proxies duly authorized, and in all elections and in all discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections, where the seven persons having the greatest number of votes cast for directors shall be declared duly elected.

Transaction of business.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers and revoke the power of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of the state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

Instalments.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon, for failure to pay such instalments as may be called for, and also to accept, in behalf of the company, a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same, valid releases, discharging them from all liabilities thereafter, for, or on account of the acts of said company or its officers.

Tolls, &c.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she, or they,

shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of the said company, and which certificate or certificates shall be transferable, in the manner prescribed by the by-laws of said company.

SEC. 8. The said company shall have power to locate and construct a single or double track road, from the village of Prescott, Pierce county, by the way of the village of Hudson, in St. Croix county, to the Falls of Saint Croix, Polk county, and by the most eligible and practicable route, as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of waggons and carriages. Location of track.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed four rods in width; and they may also cut down such trees on each side of such road as may endanger said road by falling or otherwise. May enter upon lands.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor; or when by absence or legal incapacity of the owner or owners no such agreement or purchase can be made therein; and, in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, In case of disagreement.

requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance, as jurors, to furnish a panel of seven jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person, or by attorney, the sheriff or constable shall for him, her, or them, strike off each two of said jurors, and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners according to the best of his skill and judgment, whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of land in question, and the value thereof as aforesaid, and such valuation, when paid, together with costs of such inquisition, or tender to the owner or owners or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in such valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days

**Proviso.**



notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or are non compos mentis, or absent from the county in which such land is situated. Such service of notice may be made upon the guardian or trustee under the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, Proviso. That no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, Proviso. That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure, by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town, for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town, and they may erect toll-gates and exact toll from the persons travelling on their road whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage, drawn by one animal, one cent per mile, and for every horse and rider, or led animal, one cent per mile; for one score of sheep or swine, one cent per mile, and for every score of neat cattle, four cents per mile: *Provided*, Persons going to and from military parade at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll gathered at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any

Where company may construct road.

May erect toll gates.

Rates of toll.

animal or carriage subject to toll, until the toll thereon is paid.

**Company may receive real or personal property for stock.**

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders, paying their subscriptions to said stock in sureties as aforesaid, to contract and pay to said company interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals or to their order or assigns.

**Penalty for injury done to road.**

SEC. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said company, such person or persons, so offending, shall each of them, for every such offence, be liable to a civil suit, for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and, upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

**Penalty for avoiding toll.**

SEC. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate, without having paid the real toll, or, to avoid the payment of the legal toll, shall with his team, carriage or animal, turn out of said road or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

**Company may increase capital stock.**

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for

such increase of the capital stock of said company, as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in unfinished state for want of means for completing the same.

SEC. 16. If said corporation should not within three years from the passage of this act commence the construction of said plank road, and expend two thousand dollars or more thereon, then the rights, privileges and powers of the said corporation under this act shall be null and void.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the state, shall be received as evidence thereof.

Approved, February 21, 1854.

An Act to incorporate the Black River Lumber Driving and Booming Company. **Chap. 62.**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Robert Douglas, James O'Neil, Milton Barlow, Horatio Curts, Charles Whipple, James M. Garrett, Cyrus Woodman, Hugh Douglas, R. Armstrong, George Farnham, G. W. Ledyard, Elijah Eaton, Robert Ross, Daniel Melborn, Isaac Martin, Samuel Cawley, Edward Tompkins, Hugh Wedge, Franklin Bruce, Peter Burns, W. G. Decker, James Chandler, W. T. Price, F. M. Rublee, Samuel F. Weston, Eliphalet Gordon, Samuel T. Smith, John S. Simonton, Silas Wilcox, William Prulley, Andrew Shepperd, John Valentine, Thomas Douglas, James Perry, Jacob Spaulding, Lewis Hamilton, John W. Lane, Timothy Wood, Thomas G. Paterson, Lafayette Brockway, Moses Clark, James French, Hugh Mills, James McLaughlin, Thomas Wilson, David Robinson, H. J. B. Miller and Theodore Rodolf, or such and so many of the aforementioned persons as shall file in writing over their signatures with the clerk of the circuit court of the county of La Crosse, their acceptance of the provisions of this act, and their associates, successors, and assigns be, and they are hereby made and constituted a body corporate, by the name and style of "The Black River Lumber Driving and Booming Company," and by that name may sue and be sued, prosecute and defend to final judgment and execution, both in law and equity, and may adopt a

common seal, and the same may alter, break, and renew at pleasure.

Shall have  
power to hold  
real estate.

SEC. 2. The said "Black River Lumber Driving and Booming Company" shall have power to hold real and personal estate not exceeding in value the sum of ten thousand dollars, to borrow money, convey real estate by deed or deeds, signed by the president, attested by the clerk, and sealed with the seal of said company, to improve the navigation of said Black River, by removing obstructions, breaking jams, deepening the channel, closing up chutes and side cuts, leading into the Mississippi River, and into sloughs; to erect booms, to drive lumber, timber, cants and logs, and shall have all other powers requisite and necessary for the full and free exercise and enjoyment of all the powers and privileges granted to said company by this act, and may adopt all necessary by-laws and regulations that may be considered by the said company necessary for conducting the operations and business of said company, which by-laws and regulations shall not be repugnant to the constitution and laws of this state.

Officers.

SEC. 3. The officers of said company shall be a president, clerk, treasurer, and five directors, and such inferior officers and agents as shall be provided for by the by-laws of said company.

Meeting of  
officers.

SEC. 4. The president, clerk, treasurer and directors, shall be elected at the first meeting of the persons composing said company, and thereafter at the times appointed by the provisions of this act for the annual meetings of said company, and shall hold their offices until the annual meeting of said company next after their election, and until their successors are elected and qualified. All the other officers and agents of said company shall be appointed by the board of directors of said company, and shall hold their offices during the pleasure of the said board of directors.

Treasurer shall  
give bonds.

SEC. 5. The president, clerk, treasurer and directors, before they enter upon their duties, shall be duly sworn for the faithful performance of their trusts, and the treasurer shall give bonds to said company in such penalty as shall be prescribed by the directors for the faithful performance of his duty, and for the proper application and payment of all moneys that shall come into his hands belonging to said company, under the order and direction of the said board of directors.

Duty of presi-  
dent.

SEC. 6. It shall be the duty of the president to preside at the meetings of said company, and of the board of di-

rectors, and to perform such other duties as shall be prescribed by the by-laws of said company, and in the absence of the president, a president *pro tem.* may be elected to preside over such meetings.

SEC. 7. It shall be the duty of the clerk to keep a fair record of the proceedings of all meetings of the said company, and of the board of directors. Duty of clerk.

SEC. 8. The president and board of directors, a majority of whom shall constitute a quorum, shall have the power of making and repealing by-laws, auditing accounts, appointing and removing agents and inferior officers, and shall have the application of the funds, and the general superintendence of the affairs of said company. Directors shall have general superintendence.

SEC. 9. The first meeting of the said company for the election of officers, shall be held at the court house, in the town and county of La Crosse, at such time as any six persons composing said company shall direct, notice of which meeting shall be given by publishing a notice thereof for two weeks in the La Crosse Democrat, a public newspaper published in the said town of La Crosse, or by personal notice to at least a majority of the persons named in the first section of this act: and all annual meetings for the election of the officers of said company shall be held on the first Monday of March in each year, at the court house, in the said county of La Crosse: *Provided, however, that the time and place for the annual meetings of said company may be changed by the by laws of said company.* Special meetings of said company may be called at any time by the directors thereof, for filling vacancies in the offices, and for the transaction of business. First meeting of company.

SEC. 10. The said company shall have the right to drive down said Black River all logs, timber, cants and shingle bolts belonging to said company, or to either or any of the members of said company, that now are or hereafter may be placed in said said river between township 29, north of range 2 west, and the place of destination of said logs, timber, cants or shingle bolts, or to the boom of the said company located nearest the mouth of said Black River. And the said company shall have the right to erect and establish a boom on said Black River Lake, or at any other convenient point near the mouth of said Black River for the purpose of stopping and rafting the said logs, timber, cants, or shingle bolts. Privileges.

SEC. 11. All persons hereafter placing, depositing, or suffering their logs, timber, cants, or shingle bolts to remain in said Black River, between township 29 north, Who liable for running lumber.

and the mouth of the said Black River, in such a manner as to mix with the logs, timber, cants, or shingle bolts of the said company, or the individual members thereof, in any general drive of their said logs, timber, cants, or shingle bolts, down said river, shall be deemed to have consented that the said logs, timber, cants, or shingle bolts, shall be driven down said river by said company, and shall be liable to pay said company their proportion of the expenses of driving, booming, and stopping the same, and the said company shall have a lien upon all logs, timber, cants, and shingle bolts driven down by them, for the costs and expenses aforesaid.

**Booms not to obstruct navigation.**

SEC. 12. All booms erected by said company across the main channel of said river, shall be so constructed as to not obstruct the navigation of said river, but shall leave a space at least forty feet in width for the free passage of boats and rafts, and the said company shall be liable in an action on the case for all damages sustained by any person or persons for the non-compliance with the provisions of this section.

**Who shall be liable to company.**

SEC. 13. All persons having or continuing any booms or other obstructions upon the said river, shall be liable to the said company for all damages sustained by them in the stopping or detention of any logs, timber, cants, or shingle bolts belonging to or in charge of said company, or belonging to the individual members thereof, which damages may be recovered in an action on the case before any court of competent jurisdiction.

**Officers to keep an accurate account of affairs.**

SEC. 14. It shall be the duty of the directors, officers and agents of said company, to keep an accurate and just account of all the expenses of said company from time to time, and the same shall be justly and equitably proportioned among the owners of such logs, timber, cants, or shingle bolts, according to quantity and distance driven down said river, which several amounts shall be paid or satisfactorily secured to said company within thirty days from the time such logs, cants, timber, or shingle bolts, shall reach the booms designated by such owners, and the said company shall have a lien upon the logs, timber, cants, or shingle bolts, of such owners for their proportion aforesaid, and in case of failure of any person or persons to pay or satisfy their proportion aforesaid within the said thirty days, the said company may proceed and sell at public auction, a sufficient amount of such logs, timber, cants, or shingle bolts, as will be sufficient to pay the proportion of such expenses of such delinquent owner.

SEC. 15. Any person who is an owner, or interested in lumbering on said river, or its tributaries, may become a member of this company by leaving with the clerk thereof a written request to that effect, which shall be kept on file and recorded, and any person may withdraw from said company by filing with said clerk a request in writing for that purpose, which shall also be filed and recorded by said clerk: but no person shall withdraw as aforesaid without first paying or securing the payment to the satisfaction of said company, all debts and assessments due said company from him. Who may become members

SEC. 16. The private property of all persons belonging to said company, or that have belonged to said company, shall be holden to pay all debts contracted by said company after he became a member thereof, and before his withdrawal from the same; but no execution shall be levied on their private property, until the property of the said company shall be levied upon, and sold on said execution. Private property holden.

SEC. 17. This act shall not be construed so as to exclude other persons from running or driving their own logs, lumber, timber, shingle-bolts or cants down the said river, free of charge or toll from said company: *Provided*, such persons keep their logs, lumber, timber, shingle-bolts or cants from mixing in the general drive with those belonging to said company, or to the individual members thereof. Other persons may drive logs.

SEC. 18. The said company shall be liable for all damages done to boats by detention, while navigating up and down said river, and also for all damages done to boats or rafts tied up by the shore, out of the main channel of said river; which damages may be recovered of said company by the injured party, in an action on the case in any court of competent jurisdiction. Company liable for damages to boats.

SEC. 19. This act may be altered or amended by any future Legislature.

SEC. 20. This act shall take effect from and after its passage.

Approved, February 21, 1854.

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An Act to change the time of holding the Annual Meeting of Stockholders of the Milwaukee and Mississippi Rail Road Company.

Chap. 63.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The annual meetings of the stockholders for the purpose of electing directors shall hereafter be held

on the second Tuesday of February in each year, instead of the second Tuesday of January, as prescribed in act approved February 11, 1851.

Approved, February 21, 1854.

**Chap. 64.** An Act to incorporate the Rock County Agricultural Society and Mechanics' Institute.

*The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. That all persons who now are or hereafter may become members of the Rock County Agricultural Society and Mechanics' Institute, shall be and hereby are ordained, constituted and declared to be and continue a body politic and corporate in fact and in name, under the name and style of the "Rock County Agricultural Society and Mechanics' Institute," and by that name they shall be known in law, and capable of suing and being sued, of pleading and being impleaded, of answering and being answered to, of defending and being defended, in all suits, complaints, matters, causes, courts and places whatsoever, both in law and equity, and capable of having a common seal, of acquiring by purchase, gift, devise, or otherwise, and of holding and conveying any real, personal, or mixed estate necessary, proper, or expedient, for the objects of this incorporation: *Provided*, that the amount of such estate shall at no time exceed the sum of twenty-five thousand dollars in value.

Objects of society.

SEC. 2. The objects of this society shall be to promote and improve agriculture, horticulture, and their kindred branches, and the mechanical, manufacturing and household arts.

Shall have powers to make rules and by-laws.

SEC. 3. The members of the society aforesaid hereby incorporated, shall have full power and authority to make and prescribe such by-laws, rules, ordinances and regulations, and the same to alter, amend, or repeal at pleasure, as to them shall feel needful or proper, touching the management and disposition of their funds for the objects aforesaid, touching the regular and special meetings of the society, the regulations for the admission of members, the filling of vacancies in offices, and touching every other matter and thing necessary or expedient for the good government and promotion of this incorporation, or which pertains to the business and objects for which the said incorporation is by this act instituted: *Provided*, such by-



laws, rules and regulations be not repugnant to the constitution of the United States or of this state.

SEC. 4. The officers of said society shall be a president, six vice presidents, recording secretary, corresponding secretary, treasurer, and as many directors as the by-laws shall provide for, who shall hold their office for one year, or until their successors are elected and qualified; four of whom shall constitute a quorum for the transaction of business incumbent upon or required of them by the constitution or by laws of said society. Officers.

SEC. 5. There shall be an annual meeting of the members of the society on the first Monday of December in each year, at such place as the president shall designate for the election of officers, at which the officers shall be elected by ballot by a majority of the members present, and voting thereon, and the officers so elected shall hold their offices for one year, or until their successors are elected and qualified; but if it shall happen from any cause that such election shall not be held on the day specified in this section, then it shall be lawful to hold the same thereafter pursuant to public notice, in one of the newspapers published in said county of Rock, on the call of the president, or one of the vice presidents, in case of the death or inability of the president. Annual meeting.

SEC. 6. The treasurer of the society before entering on the duties of his office, shall give bond with two or more sureties payable to (and approved by) the president of the society and his successors, in double the amount of the funds to come into his hands during his continuance in office, conditioned for the faithful discharge of the duties of his office. Treasurer shall give bonds.

SEC. 7. S. Pearl Lathrop, shall be president; C. Loftus Martin, John A. Fletcher, Nathaniel Howard, Charles Colby, Mark Miller and Azel Kinney, vice-presidents; Charles R. Gibbs, recording secretary; Z. P. Burdick, corresponding secretary; and Samuel A. Martin, treasurer of the said society, who shall hold their offices until the first Monday in December, 1854, or until their successors are elected and qualified. Names of officers.

SEC. 8. This act is hereby declared to be a public act, and shall in all courts and places be regarded benignly and favorably for every beneficial purpose hereby intended, and may be altered, amended, or repealed by any subsequent legislature.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, February 21, 1854.

**Chap. 65.** An Act to lay out a State Road from Black River, in Clark County, to Chippewa Falls, in Chippewa County.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Charles Whipple, James O'Neil and H. S. Allen, are hereby appointed commissioners to lay out and establish a State road from Black River, in Clark county to Chippewa Falls, in Chippewa county.

SEC. 2. The said Commissioners shall receive a fair compensation for their services from the counties through which said road passes, each county paying a just proportion of said expense.

Approved, February 21, 1854.

**Chap. 66.** An Act concerning highway labor in the counties of Portage and Marathon.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whenever, hereafter, any person or persons shall be liable to perform labor on the highway, in the counties of Portage and Marathon, and shall neglect or refuse to perform such labor, in the manner required by law, such person or persons shall, in lieu thereof, pay to the overseer one dollar and fifty cents per day for every day they shall so neglect or refuse to do such labor.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 21, 1854.

**Chap. 67.** An Act to lay out a State Road from Monteville, in Trempealeau County, to Sparta, in La Crosse County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Commissioners.

SECTION 1. That George Batchelder, Lloyd L. Lewis and Edward Walrath, are hereby appointed commissioners to lay out and establish a state road, commencing at Monteville, in Trempealeau county, on the Mississippi river, and running eastward to Black river, at the most practicable crossing, thence on the best and nearest ground to the corner stake of sections 24, 23, 14 and 13, of town 18, north of range 7 west, thence on section line to Lewis' Mill, thence east on section line as near as the make of the lands

will admit to the east side of section 22, town 18 north of range 7 west, thence on the most direct and best ground to the village of Sparta, in La Crosse county.

SEC. 2. The commissioners appointed under the provisions of this act, shall, upon the performance of their work, be entitled to such compensation for their services as the supervisors of the towns through which said road passes shall allow to be paid by said towns: *Provided*, no part of the expense shall be paid by the State.

Shall be allowed compensation.

Approved, February 21, 1854.

An Act to provide for the removal of the County Seat of Waushara County to the village of Wautoma.

Chap. 68.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the legal voters of the County of Waushara, on the second day of September next, at an election which shall be held in the several towns in said county, at that time, to vote for the removal of the county seat of said county to the village of Wautoma in said county.

Vote on removal.

SEC. 2. Said election shall be held at the places and conducted in the same manner now provided by law for conducting elections for county officers, and the votes cast at such election shall be canvassed and returned in the same manner as votes cast for county officers.

Election.

SEC. 3. The votes cast at such election shall have written or printed on them, the words "For removal to Wautoma," or the words "Against removal to Wautoma;" and if a majority of all the votes cast on the subject of such removal shall be in favor of the removal of such county seat to the village of Wautoma, then said county seat shall be permanently located at the village of Wautoma, in said county.

Form of ballot.

SEC. 4. This act shall take effect from and after its passage.

Approved, February 21, 1854.

An Act to amend an act entitled an act to incorporate the Winnebago Lake and Fox River Plank Road Company, and to create the Wolf River Branch Plank Road Company.

Chap. 69.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of directors created by the acts to which this is amendatory, and such other persons as are

Body politic.

now and shall be associated with them hereafter, and become stockholders pursuant to the provisions of this act shall be, and hereby are created and made a body corporate and politic in fact and in name, of "the president and directors of the Wolf River branch plank road company," and by that name they and their associates shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all cases and places in all matters appertaining to said company.

Powers of  
company.

SEC. 2. Said company shall have power to construct a plank or turnpike road from Appleton to Stevens' Point, on the Wisconsin River, of such width as the board of directors may determine, so as to make a smooth and even surface of either plank, gravel, or charcoal, and such portions as are grubbed and graded without plank. To receive one half toll on the portion graded and not planked, and they shall at all times have all the rights and privileges secured in the charter of which this is amendatory; and the board of directors shall be and are hereby authorized to fix the annual election of the said board of directors, by the by-laws, on such day as a majority of the board may determine; and all stock issued in said company, shall be the stock of "the Wolf River branch plank road," instead of "Wolf River branch of the Winnebago Lake and Fox River road company."

Approved, February 21, 1854.

## Chap. 70.

An Act postponing the organization of the town of Hellenville.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the organization of the town of Hellenville, in the county of Jefferson, be and the same is hereby postponed one year, and that no town meeting shall be held in said town of Hellenville, until the first Tuesday in April, A. D. 1855; and that until said first Tuesday in April, A. D. 1855, the territory comprised in said town of Hellenville, shall be and remain a part of the town of Jefferson, in said county, all provisions in the act or order of the county board of supervisors of said county of Jefferson, constituting said town of Hellenville, to the contrary notwithstanding.

Approved, February 21, 1854.

An Act to provide for laying out a State Road from Potosi, by Lancaster and Muscoda, in the County of Grant, to Richland Centre, in Richland County.

Chap. 71.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. James F. Chapman, J. C. Cover and James Barnett, are hereby appointed commissioners to view and lay out a State road to commence near the north-west corner of section number thirty-four, in township number three north, of range number three west, of the fourth principal meridian, thence over the best and most practicable route by Lancaster and Muscoda, in Grant county, to Richland Centre in the county of Richland. Commissioners.

SEC. 2. The said commissioners shall receive for laying out said road a reasonable compensation from the Boards of supervisors in the counties of Richland and Grant. Shall receive compensation.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, February 22, 1854.

An Act to incorporate the Madison Hydraulic Company.

Chap. 72.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That Simeon Mills, Leonard J. Farwell, Levi Vilas, N. W. Dean, H. A. Tenney, F. G. Tibbitts and J. C. Fairchild, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Madison Hydraulic company hereby incorporated, and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving ten days' notice of the time and place of taking such subscriptions, by publishing the same in one or more papers printed in the village of Madison. Commissioners.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of fifty dollars each; and as soon as one hundred shares or more of the stock shall be subscribed, and five per cent. paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of "Madison Hydraulic Company," with perpetual succe- Capital stock.  
Name and style of company.

sion, and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places; they shall be capable in law of purchasing, holding, selling, leasing and conveying, estate personal, real or mixed, so far as the same may be necessary and proper for the construction, extension, management and usefulness of the works of said company, and for the good government of the same; they may have a common seal, which they may alter and renew at pleasure; and, generally, may do all and singular the matter and things which to them it may lawfully appertain, to do for the well being of the said corporation.

Affairs of company, how managed.

SEC. 3. The affairs of said company shall be managed by a board of five directors, who shall be chosen by ballot, each share of stock being entitled to one vote, the votes to be given in person, or by proxy duly authorized; which directors shall appoint one of their number president; and for the purpose of electing the first directors, the said commissioners, or a majority of them, after the stock shall be subscribed, as provided in the second section of this act, shall give ten days' notice in the manner hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors; and annually thereafter, on the second Monday of January, the stockholders shall meet for electing directors as aforesaid: *Provided*, that none but stockholders shall be elected directors; and that previous to the first election, the commissioners hereinbefore named, shall elect one of their number president, and they may perform all the duties, and be invested with all the powers of directors.

Election of directors.

Shall have power to establish rules and by-laws.

SEC. 4. A majority of said board of directors shall constitute a quorum for the transaction of business. They shall have power to make and establish by-laws, rules, orders and regulations, as may be necessary for the management of the affairs of said company; to make such covenants, contracts and agreements, with any person or persons, co-partnership, or body politic whatever, as the execution and management of the works, or the convenience and interests of the company require.

Privileges.

SEC. 5. The said company shall have power and the exclusive right and privilege of building waterworks in the village of Madison, for supplying water to said village and its inhabitants, to be taken from the Fourth Lake, and

making all excavations, and completing such other work as may be necessary to carry water in pipes through all the streets, alleys, avenues, highways, squares and commons now in said village, or that may be added thereto; to erect hydrants, fountains, and all such other works for use and ornament as may be deemed necessary or proper.

SEC. 6. If said company shall not, within three years from the passage of this act, commence the construction of said works, and fully complete the same within two years from the commencement of the same, so far as to put them in successful operation, then the rights and privileges and powers of said corporation under this act, shall cease, and be null and void. When company to complete works.

SEC. 7. If from any cause an election for directors shall not be held at the time specified therefor, the same may be held at any other time upon ten days notice, given in the manner heretofore named; and until such election the directors of the preceding year shall continue to act; and this charter shall not be avoided by reason of any irregularity or want of such election; and in case of vacancy from the death or resignation of any director, his place may be filled by the board of directors. Elections.

SEC. 8. The stockholders holding a majority in value of the stock, may, at any annual or special meeting, increase the capital stock of said company to an amount not exceeding two hundred thousand dollars. May increase capital stock.

SEC. 9. The property of every individual inserted in said corporation shall be liable to be taken in execution for the payment of his or her debts in such manner as is or may be provided by law: *Provided*, all debts due the company shall be first paid. Individual property liable.

SEC. 10. The said company are hereby authorized in their corporate capacity to borrow any sum or sums of money, from any person or persons, corporations or body politic of any kind, and make and execute in their corporate name all necessary writings, notes, bonds, or other papers, and make, execute, and deliver such securities in amount and kind as may be deemed expedient by said corporation, for all purposes necessary in carrying out the objects of said company; and the official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contracts. May borrow money.

SEC. 11. If any person shall knowingly or wilfully break, injure, or destroy, or cause to be done any act whatever, and thereby injure or destroy any building, machinery, fountain, pipes or structures of any kind, or any thing ap- Penalty for injury done to works.

pertaining to the works of said corporation, or whereby the same may be stopped, obstructed, or in any manner injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof duly convicted, shall be punished by a fine or imprisonment, or by either, at the discretion of the court: *Provided*, such criminal prosecution shall not in any wise impair the right of action of said company, for damages by a civil suit hereby authorized to be brought for any such damage or injury as aforesaid, by and in the name of said corporation, in any court having competent jurisdiction.

SEC. 12. This act shall be in force from and after its passage; and in case of a violation by the company of any of its provisions, the State may resume all and singular the rights and privileges hereby granted.

SEC. 13. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence thereof in all courts and places.

Approved, February 22, 1854.

### Chap. 73.

An Act to amend an act entitled "An Act to incorporate the town of Platteville," approved February 19, 1841.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

#### Amendment.

SECTION 1. Section one of an Act entitled "An Act to incorporate the town of Platteville," approved February 19, 1841, is hereby amended so as to read as follows:

All of section number fifteen, of township number three north, of range number one west of the fourth principal meridian, in the county of Grant, shall hereafter be known and distinguished by the name of the village of Platteville, and the inhabitants residing, or who may hereafter reside within the said limits are hereby constituted a body corporate, by the name of "the President and Trustees of the village of Platteville," and by that name, they and their successors, forever hereafter shall and may have perpetual succession, and shall be persons, in law, capable of suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever: *Provided*, that no tract of land of twenty acres or more, within said limits, occupied exclusively for farming purpo-

#### proviso.



ses, and not laid into village or towns lots, shall be subject to corporation taxes, until the same shall be laid out into village or town lots, or occupied for purposes other than farming purposes.

SEC. 2. The election of officers of said corporation shall be one President, six Trustees one Clerk, one Treasurer, who shall be ex-officio collector, one Assessor and one Constable, who shall be ex-officio marshal, to be elected by the qualified voters thereof, on the second Monday of March in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified. And the President and Trustees shall give at least ten days notice of the time and place of holding any such election, or any special election, and they or any three of them shall preside at the same, and any vacancy in the office of President or Trustee shall be filled by a special election, and all vacancies in any other office shall be filled by the President and Trustees. Sections two and three of the act to which this is amendatory are hereby repealed. Officers.

SEC. 3. The President of said corporation shall have power to administer oaths or affirmations, and as a judicial officer, he shall have concurrent jurisdiction with justices of the peace of the county of Grant, of all cases of violation of the ordinances of said corporation, and when presiding at a meeting of the trustees shall give the casting vote when the votes of the trustees are equal. Powers of president.

SEC. 4. The trustees of said corporation shall have the exclusive power to license, regulate, control and suppress the sale, traffic in, or vending of spirituous or alcoholic liquors, to restrain drunkards and drunkenness, immoderate drinking, riotous or disorderly conduct, the running of horses, and excessive fast driving or riding in the streets and public places, within said corporation, and to provide for arresting, removing and punishing, by fine or imprisonment or both, persons who may be guilty of the same. May regulate licenses.

SEC. 5. The president, either of the trustees, or marshal, may summon to their assistance, if necessary, all persons present, to aid or assist in preserving the peace or arresting any person guilty of a breach of any law or ordinance of said corporation, and any person thus summoned, who shall fail or refuse active assistance shall be punished by fine. In all cases wherein the president and trustees have power to enact ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offence, and may also provide that in default of May enact ordinances and by-laws.

payment of any judgment rendered for such violation, the offender may be imprisoned for such term of time as they may by such ordinance direct, not exceeding twenty days, in such place as the trustees may provide in said village.

Powers of  
marshal.

SEC. 6. The marshal shall possess all the powers, and enjoy all the rights of a constable, and be subject to the same liabilities; it shall be his duty to execute and return all writs and process to him directed by the president, and when necessary, in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offence against the laws of this state, or the ordinances of the village, and forthwith to bring such persons before competent authority for examination, and for such services he shall receive like fees as is allowed to constables for like services; said marshal shall execute and file with the clerk a bond for the faithful performance of his duty, to be approved by the trustees.

Manner of  
process.

SEC. 7. On all suits for the violation of any ordinance of the village, the process may be by warrant, and it shall be sufficient, without setting forth the special matter to declare generally in debt, in reference to the ordinance under which the action is brought, the defendant may plead the general issue, and give the special matter in evidence; and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance.

Executions,  
etc.

SEC. 8. Every execution issued upon judgment for the violation or non-observation of any ordinance or by-law of said village, shall contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail, or other place provided by said corporation for that purpose, for such term as shall have been provided for by the act of incorporation, or by the ordinance under which the judgment shall have been rendered; all fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village.

Ordinances to  
be published.

SEC. 9. Any ordinance, regulation, rule or by-law, imposing any penalty or forfeiture for the violation of its

provisions, shall be published one week in some newspaper printed in said village before the same shall be in force; and proof of such publication by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, rule, or by-law, in all courts and places.

SEC. 10. This act shall take effect on the second Monday of March, 1854.

Approved, February 23, 1854.

An Act to incorporate the St. Croix and Lake Superior Railroad Company.

Chap. 74.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. W. M. Torbert, Wm. A. Barstow, Otis Hoyt, D. S. Vittum, Michael Holmes, Benjamin Allen, Jeremiah M. Whaley, A. T. Gray, Alfred Day, C. A. Stevens, Charles D. Robinson, J. W. Haskins, Edward M. Hunter and Experience Estabrook, and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and politic by the name and style of the St. Croix and Lake Superior railroad company, with perpetual succession; and by that name shall be capable in law of taking, purchasing, holding, leasing and conveying estates and property, whether real, personal, or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name, may sue and be sued, plead and be impleaded, answer and be answered, and in case of judgment against them, they shall pay full costs, may have a common seal, which they may alter or renew at pleasure, and may have and exercise all the powers, rights, privileges and immunities, which are, or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth.

SEC. 2. The capital stock of said company shall be six millions of dollars, with the privilege to the stock holders of increasing the same as they may deem advisable, to a sum not exceeding fifteen millions, to be divided into shares of one hundred dollars each; which shares shall be transferable on the books of said company, in such manner as the by-laws shall direct.

First directors.

SEC. 3. W. M. Torbert, W. A. Barstow, Otis Hoyt, Michael Holmes, Benj. Allen, J. M. Whaley, A. T. Gray, Alfred Day, J. W. Haskins, Edward M. Hunter, D. S. Vittum, Charles D. Robinson, C. A. Stevens and Experience Estabrook, shall be the first directors of the said St. Croix and Lake Superior railroad company; and at their first meeting they shall elect by ballot one of their number to be president, a majority of whom shall be competent to manage the affairs of said company; such first meeting shall be held at a time and place to be fixed by a written agreement, to be signed by all of said directors, or at a time and place designated by a notice, to be signed by a majority of the said directors, and published in a daily newspaper published in the county of Dane, three successive weeks next preceding the time for such meeting.

May receive subscriptions.

SEC. 4. The directors of said company may open books to receive subscriptions to the capital stock of said company, at such times and places as they may appoint, and shall receive such subscriptions under such regulations as they may adopt for that purpose; and said company may commence business whenever fifty thousand dollars of said stock shall have been subscribed, and five per cent. of said subscription actually paid in.

Choosing directors.

SEC. 5. To continue the succession of president and directors, nine directors shall be chosen by the stockholders annually, on such day and at such place, in this state, as may be appointed by the directors, one of whom shall be elected president in the manner prescribed in the next preceding section; and no person shall be competent to act as a director, who is not a stockholder and a citizen of the United States; and if any vacancy shall occur by death, resignation, or otherwise, of any president or director, such vacancy may be filled by the directors of said company, or a majority of them; the directors of said company shall hold their offices, until a new election of directors. On all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself or by proxy.

In regard to election of directors.

SEC. 6. In case it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be dissolved, but such election may be subsequently made, and the directors previously chosen shall hold their office, until such election shall be made.

SEC. 7. A general meeting of the stockholders of said company shall be holden annually, at the time and place appointed for the election of directors; and a meeting may be called at any other time by the directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time and place of such meeting, in a newspaper printed in the county of St. Croix, and by sending a notice to each of the stockholders by mail, except in cases where their residence is unknown; evidence of such notice may be perpetuated by the affidavits of any person having knowledge of the facts; and when any such meeting is called by the stockholders, the particular object of such call shall be stated. If at any meeting thus called, the stockholders holding a majority of the stock are not present in person, or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days, stockholders having a majority of the stock do not attend in person, or by proxy, the said meeting shall be dissolved.

Meetings of  
stockholders.

SEC. 8. The said company, hereby incorporated, shall have power and authority to locate, and from time to time to alter, change and re-locate, so as not to materially change the route, construct and re-construct, and fully finish, perfect and maintain a railroad, with one or more tracks, from some suitable point at or near the village of Hudson, Saint Croix county, to some point on the Saint Louis river, in this state, and such other suitable place or point to connect with any other railroad in the territory of Minnesota, and also a branch of the same running to some point at or near La Pointe, on Lake Superior; and also a branch thereof to some point, at or near Iron Bay, on said Lake; and to transport, take and carry property and persons upon said railroad, or branch, or any part thereof, by power and force of steam, or of animals, or of any mechanical or other powers, or any combination of them.

Location of  
road.

SEC. 9. For the purpose of constructing said railroad, or way, said company shall have authority and power to lay out, designate and establish their road, in width, not exceeding two hundred feet through the entire line thereof, and may take, have and appropriate to their use, such lands so designated for the line or construction of said road; and for the purpose of cuttings and embankments, and for the obtaining of the stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road; and for

Powers of  
company.

constructing shops, depots, wharves and other proper, suitable and convenient fixtures, in connection with, and as appurtenances to said road, may take, have, use and occupy any lands on either side of, or adjacent to, said railroad, which may be required for the convenience of said company; the said company taking and holding all such lands as gifts, or by purchasing, or making satisfaction for the same, in manner hereinafter provided; and said company may receive, hold or dispose of all or any lands or property that may be, by any means given, granted or transferred to said company, to aid them in the construction of their said road, or its appurtenances.

May enter upon lands.

SEC. 10. The said company, and under their direction, their agents, servants and workmen are hereby authorized and empowered to enter upon the lands, and grounds of the state, or of any person or persons, bodies politic or corporate, and to survey and take such lands of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper, for making the said road, with one or more sets of tracks, or rails, and for all the purposes connected with said road, for which the said company by the last preceding section is authorized to take, have or appropriate any lands; and to cut down, fell and burn all timber and other trees—fruit and ornamental trees excepted—standing, or being within two hundred feet on each side of said line of said railroad. The damages occasioned by the felling or burning of trees, unless otherwise settled, to be assessed and paid for in manner hereinafter provided for assessing and paying damages for land taken for the use of said company, and also to make, build, erect and set up, in and upon the route of said railroad, or upon the land adjoining, or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for said railroad; and also from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well as for the carrying, conveying, or storage of goods, commodities, timber or other things to or upon said railroad; as for carrying, or conveying all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening or enlarging the works of, or connected with said railroad, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone, or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road, or any of its works or appurtenances; and also to make, repair, maintain and

Damages to be paid by company.

after any fences or passages, over, under, or across said railroad, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using or maintaining the said railroad and side paths, and also to construct, make and do all other matters and things, which may be necessary and convenient for making, effecting and preserving, improving, completing and using the said road, in pursuance of, and within the true intent and meaning of this act. The said company doing as little damage as possible, in the execution of the several powers herein granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the use and purposes of said company.

SEC. 11. The said company shall have power and authority to receive, take, and hold, and dispose of all such voluntary grants and donations of land and real estate, for the purposes of said railroad, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said road and the business thereof; and the said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said railroad or way, or which said company may wish to occupy for the purpose of excavation, or of procuring stone, sand, earth or other materials, to be used in embankments or in or about the construction, repair or enjoyment of said railroad, or which the said company may wish to use or occupy in any manner or for any purpose or purposes connected with said railroad, for which the said company is authorized or empowered by this act to take, have, or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise; and in case the said company cannot agree with the owners or occupants of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof; or if the owners, or occupiers, or either of them, be a femme covert, under age, non compos mentis, unknown, or out of the country in which the land or property wanted may lie or be situated, application may be made to the circuit court commissioner, county judge, or any justice of the peace in and for said county, in which the lands are

May receive  
and hold real  
estate, &c.

In case of disagreement in  
regard to damages.

situate, or to a judge of the circuit court for an assessment and inquisition, as hereinafter provided.

Notice to be given.

SEC. 12. Previous notice of such application shall be given to the owner, or occupier of the land to be taken, either by personal service of such notice, at least three days before making such application, or by a public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so published in said county, then such notice to be published in that county which is nearest to the county in which such lands are situate, and in which a paper shall be published; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block or number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice shall be taken advantage of in shewing cause against the confirmation of the assessment, or inquisition of damages, had or found, and not otherwise; evidence of the giving or publication of such notice may be perpetuated by an affidavit made by the person who served the same, and also by the printer or publisher of the newspaper in which such notice was published, or by some person or persons knowing the fact of such service or publication; such affidavit, when made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth.

Shall summon jury to assess damage.

SEC. 13. The officer to which such application shall be made, shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to the coroner, or some other disinterested person, requiring him to summon twelve freeholders of the county, not in any way interested in the matter, or related to the parties, to meet on or near the premises, property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days after issuing the same; and if at the same time and place, any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance to act as jurors; and from these each party, his, her, or their agent, or attorney, or if either of them be not present in person, or by agent or attorney, the sheriff, or summoner for him, her, or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such, the



sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages, which the owner or owners have sustained, or will sustain, as the case may be, by the use or occupation of the premises, property or materials required by said company; and the said jury shall thereupon proceed to hear the parties and to make an inquisition, and they shall reduce their inquisition to writing, and sign and seal the same; and it shall be sent to the clerk of the county, and by him filed in his office, and shall be confirmed by the court of record whose session shall first next ensue in said county having common law jurisdiction, if no sufficient cause be shewn to the contrary; and when confirmed, the same shall be recorded by said clerk at the expense of said company; but if set aside, said court may direct another inquisition in manner above specified, or said company may, at its option, proceed *de novo*; such valuation, when paid or tendered to the owner or occupier of such property, his, her or their legal representatives, shall entitle said company to the estate and interest to the same, thus valued, as fully as if it had been conveyed by the owner or owners thereof, for such term of time as said company shall use or occupy the same for the purposes of said company; and if the valuation be not received, when tendered, it may at any time thereafter be received from said company without cost.

Inquisition to be filed with clerk of court.

SEC. 14. In case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to said land, premises, materials or property, or shall not appear to demand, or receive the money assessed as the valuation in any such inquisition, then a deposit thereof with the clerk of said county, shall be equivalent to payment, or tender thereof to the person entitled to receive the same; and in case said court shall have any doubt as to the person or persons entitled to receive the same, he shall abide by the order and direction of the court confirming such inquisition, in relation thereto; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person entitled to receive said damages, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages assessed, or found by such inquisition in manner aforesaid.

In case of non-appearance of party.

SEC. 15. If at any time it shall by any means happen that said company shall be in the possession or occupancy

How company may acquire title to lands.

of any lands or premises, or in the use and enjoyment of any stone, gravel, materials or property, the title to which, or the full right of the use and enjoyment thereof, for the purposes of said company, in manner aforesaid, shall not have been duly relinquished to, or vested in said company, then, and in all such cases the said company may require such title or right of the use and enjoyment by voluntary grants thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found, or assessed, to be made in the manner and form above prescribed; and in all cases of inquisition, the officer issuing such warrant, and the summoner and jury-men acting under this act, shall receive such compensation for their travel and services as may be fixed by the court confirming said requisition, unless they can otherwise agree with said company.

Shall keep  
cross roads in  
good repair.

SEC. 16. Whenever in the construction of the said road, it shall be necessary to cross or intersect any established road, it shall be the duty of said president and directors so to construct the said railroad across said established road, as not to impede the passage or transportation of persons along the same; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide and keep in repair for such individual, proper wagon ways across said road from one part of his land to another.

Company liable  
for neglect  
to provide  
proper wagon  
ways, &c.

SEC. 17. If said company shall neglect to provide and keep in repair proper wagon ways and cattle passes across said road as required by this act, it shall be lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to, for such neglect or refusal on the part of said company.

May connect  
with other  
companies.

SEC. 18. If it shall be necessary for the said railroad company in the selection of the route, or the construction of said railroad, or any part of it, to connect the same with any railroad, canal, dam, bridge or road made or erected by any incorporated company, or authorized by any law of this state, or by the territory of Minnesota, it shall be lawful for the said company to contract with such other incorporation for the right to cross, or use such road, canal, dam or bridge, or for the transfer of the corporate, or other rights and privileges of such corporation, to the said company hereby incorporated, as may be necessary in that respect; and every such other corporation, acting under the laws of this state, or of the territory of Minnesota, is hereby autho-

nized to make such contract, or transfer, by or through the agency of the persons authorized by the respective acts of incorporation, to exercise their corporate power, or any of the rights and privileges aforesaid; and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the respective parties under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the right to use and enjoy the same as freely as they are, or may be, enjoyed by the said corporation, in whom they were originally invested.

SEC. 19. The said company shall have power to purchase <sup>Powers granted.</sup> or contract for, construct and obtain, and place on any railroad, constructed by them under this act, all machines, waggons, carriages or vehicles of any description which they may deem necessary and proper for the purposes of transportation on said railroad, and shall have power to charge for tolls and transportation on said railroad, and for storage, such sums as shall be lawfully established by the by-laws of said company; and it shall not be lawful for any other company, or any other person or persons, to transmit any passenger or merchandize, or property of any description whatever, upon said railroad, or any part thereof, without the license or permission of said company; and said company may connect themselves with any other person or persons in the business of transportation of persons or property upon mutual agreement; and the railroad with all its improvements, buildings, edifices, depots, warehouses, wharves, machine-shops, works and profits, and all and every the machinery thereof, and the appurtenances thereto, connected with said railroad, shall be vested in said company forever; and the shares of the capital stock of said company shall be considered personal property, and subject to be taken in execution agreeably to such laws, as are, or may be, hereafter in force.

SEC. 20. When said company shall deem it necessary for <sup>Side tracks.</sup> the convenience of the public, or persons receiving or sending property by said railroad, said company may permit side tracks to intersect their main road at any depot or other place on or along the line of said road; and such persons shall be entitled to have any property taken from said side tracks, under the direction and regulations of said company, without unreasonable delay.

SEC. 21. Whenever it shall be necessary for the construc- <sup>Further privileges.</sup> tion of their railroad to intersect or cross, or run along by, or upon any stream of water, or water course, or road, or

highway, lying on the route of said railroad, it shall and may be lawful for the company to construct their railroad across or along, by, or upon the same: *Provided*, That the company shall restore the stream or water course, road or highway to its usefulness, so far as can be conveniently done.

#### Tolls.

SEC. 22. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues, to and for their own proper use and benefit on goods, merchandize, property and passengers, using or occupying the said railroad depots, wharves, or other convenience, erection or improvement, built, occupied or owned by said rail road company to be used therewith; and they shall have power to regulate the time and manner in which goods, property, merchandize or persons shall be taken, transported and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation, carriage or storage, and have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business, as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported on said road, on delivery thereof at any of their depots, which property shall have remained stored more than five days after notice to the owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to the owner, if the consignee is not known; and said company shall transport merchandize, property and persons upon said road without partiality or favor, and with all practicable dispatch, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors, and mariners and officers of the army of this state and of the territory of Minnesota, and officers of the army and navy of the United States, and arms, ordnance, military stores, munitions of war, and the United States mail shall take precedence of other persons or property; first in favor of this state and of the territory of Minnesota, and second of the United States.

#### Powers of president and directors.

SEC. 23. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants, whatsoever, as they may deem necessary for the transaction of the business and for the protection of the property of the company, and remove them at pleasure; and the said president and directors, or a major-

ity of them, shall have power to determine the manner and evidence of the transfers of the stock in said company, and to pass all by-laws which may be necessary for carrying into execution all the power vested in the company hereby incorporated: *Provided*, such by-laws shall not be contrary to the constitution or laws of the United States, nor of this State, and provided further, that nothing contained in this act shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, dealing in produce, or other business, except what properly belongs to a railroad and transportation company, as is in this act provided.

SEC. 24. The directors, or a majority of them, shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, subject, however, at all times to such rules, regulations and directions as the stockholders may adopt at any annual meeting, or special meeting called pursuant to this act. And the said company is hereby authorized and fully empowered in its corporate capacity to borrow any sums of money from any person or persons, corporation or body politic, of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, any laws on the subject of usury in this State, or any other State, where such transactions may be had, to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount and kind, as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repairs, equipment or running of said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said company, are hereby ratified and confirmed, and contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

SEC. 25. At each annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office, to exhibit a clear and distinct statement of the affairs of said company; and at any meeting of the stockholders a majority of those present, in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all meetings of the stockholders held

Power of president and directors.

Shall exhibit statement of affairs.

pursuant to this act, those holding a majority of the stock subscribed may remove from office any president, or any of the directors of said company, and elect other directors in their stead: *Provided*, if such removal shall be made at a special meeting, notice of such intended removal shall be given with the notice of such meeting.

#### Dividends.

SEC. 26. The said company may annually, or semi-annually make such dividend as they may deem proper, of the net profits, receipts or income of said company, deducting the necessary expenses, and they shall make a dividend among the stockholders of such company in proper proportions to their respective shares, share and share alike.

#### Payment of capital stock.

SEC. 27. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company at such times and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the works of said company, and direct the same to be paid to the treasurer or other officer of the corporation. And at least thirty days' notice shall be given of all such assessments; and in case any such subscriber or stockholder shall neglect to pay an assessment on his or her share or shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer or other officer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company, and the delinquent owner of such stock shall be entitled to the surplus of his or her share or shares, [if they] shall sell for more than the assessments due, with interest and costs of sale: *Provided*, that no assessment shall be laid upon any shares in said corporation, for a greater amount in the whole than one hundred dollars upon each share: *Provided, further*, that no more of the stock of any delinquent stockholder shall be sold than is necessary for the payment of his delinquency; and that no stockholder, by reason of his or her subscription, shall be personally responsible for the payment of any assessment, or any part thereof, or for his or her subscription, or any part thereof, without his or her special agreement and assent: And, *provided*, it shall be competent for the directors instead of such sale, to declare such stock forfeited to the use of said company, and may dispose of the same as the stockholders at any meeting held pursuant to this act may direct.

#### Proviso.

**SEC. 26.** If said corporation shall not, within three years from the passage of this act, commence the construction of said railroad, and within twenty years from the time aforesaid complete the same, then the rights, privileges and powers of said corporation under this act shall be void.

When road to  
be commenced

Approved, February 24, 1854.

An Act to provide for laying out a state road from Potosi, by Lancaster and New California, in Grant County, and Mifflin to Mineral Point, in Iowa County.

Chap. 75.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** That John H. Vance and Andrew Barnett, of the county of Grant, and Francis C. Kirkpatrick, of the county of Iowa, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Potosi, by Lancaster and New California, in the county of Grant, through Mifflin to Mineral Point, in the county of Iowa.

Commission-  
ers.

**SEC. 2.** The expenses of laying out said road shall be paid by the counties in which said road lies, respectively, in proportion to the length of the same in each county.

How expense  
to be paid.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved, February 27, 1854.

An Act to provide for laying out a state road therein named.

Chap. 76.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** That Col. Oliver Leade, of Iowa county, J. S. Ellsworth and Jacob W. Coffinberry, of Richland county, be and are hereby appointed commissioners to lay out and establish a state road, commencing at Mineral Point, in the county Iowa, to the head of Leach's Hollow; thence down the west side of said Hollow, to the quarter post on the south line of section No. 9, in town 8, north of range 2 east; thence to the centre of said section; thence to branch into three branches—one branch to run to Hurst's Ferry; one branch to Independence, and one branch to Richland City, as laid out and extended by J. W. Coffinberry. The three

Commission-  
ers.

last named points are situate on the north bank of the Wisconsin river, in the county of Richland.

How to be paid.

SEC. 2. The commissioners shall be entitled to such compensation for their services from the county through which the road passes, as the supervisors of said county shall deem just: *Provided*, The state shall be to no expense for the same.

Approved, February 27, 1854.

Chap. 77.

An Act to authorize the County of Dane to borrow Money.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

May borrow money.

SECTION 1. The county of Dane, by its treasurer, is hereby authorized to borrow from any person or persons, or corporation, any sum of money not exceeding six thousand five hundred dollars, for a term not exceeding ten years, and at a rate of interest not exceeding ten per cent. per annum, for the purpose of constructing fire-proof offices for the use of the county, and also for the purposes of erecting a fire-proof building in said county, wherein to keep and preserve the county records, and also for purchasing a farm on which to keep and support the county poor, erecting suitable buildings, and making the necessary improvements thereon, buying suitable implements to furnish and work the same, and to pay agents for superintending the purchase of such farm, erecting such buildings, buying such implements, and, generally, for doing all necessary things pertaining to said farm and said poor.

Shall issue bonds.

SEC. 2. For the purpose of securing the payment of the money so borrowed and the interest thereon, the clerk of the board of supervisors of said county is hereby authorized to prepare county bonds of Dane, with coupons attached, and shall make and execute the same for and in behalf of said county, under his hand, and shall cause the seal of the said board of supervisors to be affixed thereto, said bonds to be made payable at the county treasurer's office, in said county, ten years from the first day of April, A. D. 1855, at a rate of interest not exceeding ten per cent. per annum, payable annually at the same place.

Clerk to keep record of the same.

SEC. 3. The said clerk shall number said bonds, and shall make duplicate of the same, to be filed and kept in his office.



SEC. 4. The treasurer of said county shall negotiate as Treasurer to  
 on as practicable, the said bonds and coupons so ex- effect loan.  
 nted, as shall best subserve the interests of said county,  
 and he shall be allowed a reasonable compensation for his  
 time and expenses in negotiating the same by the board  
 of supervisors, in their discretion.

SEC. 5. When said treasurer shall receive the money on Duty of trea-  
 bonds, he shall deposit the same in the county treasury, surer.  
 and not pay out any portion thereof, except on orders  
 drawn for the express purposes contemplated by this act.

SEC. 6. The board of supervisors of said county are Supervisors to  
 authorized to levy a tax annually upon the taxable pro- levy tax to pay  
 perty of said county sufficient to pay the interest on said interest.  
 bonds, which shall be collected as a special tax, in money,  
 and paid over to the county treasurer in the same manner as  
 state taxes are collected and paid over, and the said county  
 treasurer shall reserve the same for paying, and shall pay  
 the interest on said bonds as the same may become due.

SEC. 7. The said board of supervisors whenever such Ditto, princi-  
 bonds shall become due, or at any other time, are further pal.  
 authorized to levy in like manner a tax sufficient to pay  
 the principal of said bonds, which shall be levied, collect-  
 ed and paid over in like manner as is mentioned in the  
 preceding section.

SEC. 8. The amount of such taxes when so levied and Taxes to be ap-  
 collected, shall be immediately applied by the said county plied to pay-  
 treasurer, or his successor in office, to the payment of said ment of bonds.  
 bonds whenever the same may become due; and no por-  
 tion of the amount of such taxes shall be paid out by said  
 treasurer for any other purpose whatever.

SEC. 9. The said treasurer, and his sureties, shall be liable Treasurer lia-  
 on his official bond for the faithful performance of his ble.  
 duties, as prescribed in this act.

SEC. 10. This act shall take effect and be in force from  
 and after its passage.

Approved, February 27, 1854.

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An Act to amend Chapter 495 of the Session Laws of 1852.

*The people of the State of Wisconsin, represented in Chap. 78.  
 Senate and Assembly, do enact as follows:*

SECTION 1. That John Sanford, John Maul and Seth G.  
 Pickett, be and are hereby appointed commissioners to lay  
 out the state road mentioned in chapter 495 of session laws  
 of 1852.

Approved, February 27, 1854.

## Chap. 79.

An Act to lay out a certain State Road therein named;

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Commission-  
ers.

SECTION 1. That Benjamin Denson, Charles Smith and Jeremiah Frame, be, and are hereby appointed commissioners to lay out and establish a state road, commencing at a state road leading from Shullsburg to the Blue Mound at or near Parkinson's Mills, on Yellow Stone, Lafayette county, running north east to Moscow, Iowa county, thence the same direction to Irvin Springs, on section 34, town north, range 6 east, thence the same direction intersecting the state road leading from Wiotia to Madison, at the Lone Point, one mile and a half south west of Primrose post-office in Dane county.

Shall receive  
pay.

SEC. 2. The commissioners shall be entitled to such compensation as the board of supervisors of the counties through which the said road passes shall deem just: *Provided*, that no part of the expense of laying out said road shall be paid out of the state treasury.

Approved, February 27, 1854.

## Chap. 80.

An Act to incorporate the city of Green Bay.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Boundaries,  
&c.

SECTION 1. That the district included within the following limits and boundaries, to wit: Commencing at the mouth of East river, at the northwest corner of lot No. two of private claims on the east side of Fox river, in the county of Brown; running thence south sixty-four degrees east, along the line of said claim to the end thereof; thence south twenty-six degrees west along the east line of said claim to the middle of East river; thence up and along the middle of said East river, to a point therein, midway between the north and south lines of private claim No. nine; thence north sixty-four degrees west, along the middle of said claim No. nine, to the channel of Fox river; thence northerly along the channel of Fox river to the mouth of East river, at the place of beginning—is hereby created into a city corporate, and shall be known and designated as the "City of Green Bay;" and by that name shall be capable of contracting, and being contracted with; of suing, and being sued; pleading, and being impleaded; answering, and being answered unto, in all courts and places, and in

in matters whatsoever; and shall be competent to exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

SEC. 2. The said city shall be divided into two wards, as follows: All that part of said city which lies north of the line which divides Astor from Navarino, according to the respective plats on record, shall be called the north ward; and all that part of said city which lies south of said line, shall be called the south ward; and there shall be chosen, by the qualified voters of each ward, by separate elections in each ward, to be holden as hereinafter directed, four persons in each ward, to serve as alderman, who shall be residents of the respective wards for which they shall be elected.

SEC. 3. The government of said city, and the exercise of its corporate power, and the management of its fiscal, prudential and municipal concerns, shall be vested in a mayor and council, which council shall consist of eight aldermen—four from each ward—and shall be called the city council; and also such other officers as are hereinafter provided for.

SEC. 4. On the first Monday of May next, and annually thereafter on the first Monday of May, shall be elected in and for said city, one mayor, one treasurer, and one superintendent of common schools, by general ballot, in both wards; and four aldermen in each ward, one of whom shall be designated as supervisor, who, by virtue of his office, shall represent such ward in the board of county supervisors, in the same manner as the several towns are represented; also one constable and one assessor in each ward, who shall each hold their offices for one year, and until their successors are elected and qualified; and there shall also be elected at the same time and place, four justices of the peace—two from each ward—who shall hold their offices two years.

SEC. 5. All offices provided for in the fourth section of this act, and at the time therein provided, shall be elected by the free white male inhabitants over the age of twenty-one years, who shall have resided in said city at least six months previous to the day of election, and who are at the time inhabitants of the ward where they shall offer to vote. All officers provided for in this act, either for election or appointment, shall be at least twenty-one years old—citizens of the United States, and shall have resided, at least one year in said city next before their election or appointment; and in case the election, as provided for in this act, shall

Qualifications  
of voters.

for any cause, not be held at the time provided, such election shall not arrest, suspend, or dissolve this corporation, but such election may be held at any time thereafter, when any ten legal voters in each ward shall give ten days notice by written or printed hand bills, put up in three public places in each ward, of the time and places of holding such election, and of the officers to be elected.

Where first  
election to be  
held.

Manner of  
voting.

SEC. 6. The first election of officers, provided for in this act, shall be held at the following places, to wit: In the north ward at the United States Hotel, and in the south ward at the Town Hall; and the polls shall be opened between the hours of nine and twelve, A. M., and shall continue open until sun down; and the voters present at the time of opening shall proceed to elect, by ballot or otherwise, one moderator, one teller, and one clerk, from among themselves, whose duty it shall be to receive and count the votes which may be given in the same manner as provided in the county or township elections. The names of all the officers voted for as provided in this act, shall be on one slip of paper, written or printed, or partly written and partly printed, with the office for which each person voted for, and the persons receiving the highest number of votes for aldermen in each or either ward, shall be declared by the moderator duly elected; and the officers so declared elected, shall continue in office one year, and until others are elected and qualified.

When officers  
declared elect-  
ed.

SEC. 7. The aldermen, elected in pursuance of the provisions of this act, shall meet at the town house on the Saturday next after the election, at the hour of two o'clock, P. M., and they, or a majority of them, shall then and there proceed to canvass the votes given in each ward, for mayor, treasurer, and superintendent of common schools, and the persons having the highest number of votes, shall be declared elected, and such proclamation shall be deemed sufficient notice thereof; and the aldermen elect, then present, shall proceed to organize the board of aldermen or council, by electing one of their board president, who shall preside at all meetings, in the absence of the mayor, and appoint some suitable person as clerk of said board.

Treasurer to  
give bonds, &c.

SEC. 8. The city treasurer, before entering upon the duties of his office, shall execute to the city council or board, in such penal sum as said council may direct, with two or more sureties, to be by them approved, for the safe keeping and disbursement of all monies coming into his hands as such treasurer, and also for the faithful performance of all his official duties; and all officers elected or appointed,

by virtue of this act—excepting the mayor and aldermen—before entering upon the duties of their offices, shall give bonds, take and subscribe an oath or affirmation, to support the constitution of the United States, and of the state of Wisconsin, and faithfully perform the duties of their respective offices, which oaths, together with all official bonds, shall be filed in the clerk's office.

SEC. 9. The mayor shall be the chief executive officer, Duties of mayor. and head of the police of the city. It shall be his duty to recommend in writing to the city council, such measures as he may deem expedient; he shall keep the seal of the city; sign all commissions, licences and permits which may be granted by the city council; shall endeavor to maintain peace and good order, and see that the laws of the state and the ordinances of the city, are observed and executed; he shall have power to administer oaths or affirmations, and to take and certify acknowledgements of deeds and other instruments of writing. As a judicial officer, he shall have power, and, by giving bonds as required by law, may exercise the jurisdiction of justice of the peace; and to prevent and suppress riot or other public disturbance, he may appoint, with the approbation of the council, as many special constables as he may deem proper; he shall also preside at the meetings of the council, if present, and have the casting vote, and no other.

SEC. 10. In case of a vacancy in the office of mayor, or In case of vacancy. of his incapacity from any cause to attend to the duties of his office, the president of the council shall be vested with all the powers, and shall perform all the duties of mayor, until such incapacity shall be removed, or such vacancy shall be filled by a new election.

SEC. 11. The city council shall have power to preserve Powers of council. order and propriety in its proceedings, and to punish in a summary manner, by fine and imprisonment, all disorderly or disrespectful conduct in its presence; and also to compel by pecuniary penalties, the attendance of its members. They may adopt rules for their proceedings, and keep a record of all their transactions, which shall be open to the inspection of any citizen when desired; and the place of holding their meetings shall at all times be open to the public.

SEC. 12. The mayor, each and every alderman, marshal, Powers of city officers. deputy marshal, each and every justice of the peace, and constable of said city, shall be officers of the peace, and they are by virtue of their offices empowered to suppress in a summary manner all rioting, and other disorderly con-

duct, according to the ordinances of said city, or the laws of the State, within the limits of the city, and for that purpose may command the assistance of any bystanders, and if need be of all the citizens and military companies, and if any such bystander, military officer, or private of such company, shall refuse to aid in maintaining the peace, when so required, such person or persons shall forfeit and pay such fine as may be prescribed by the ordinances of the city council, or the laws of the state in such case made and provided.

**Marshal.**

SEC. 13. A marshal shall be appointed by the city council, who shall continue in office during their pleasure. Before entering upon the duties of his office he shall give a bond with sufficient sureties, and take and subscribe an oath, the same as required of other officers. He shall possess all the powers of constable and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor; it shall be his duty to apprehend any person whom he may find in the act of committing any offence against any ordinances of the city or laws of the state, and forthwith bring such person or persons before any officer of competent jurisdiction, for examination, and for all such services shall receive such fees as are allowed to constables for like services; he shall do and perform all such duties as may lawfully be enjoined upon him by the ordinance of the city; he shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

**Justices of the peace.**

SEC. 14. All justices of the peace elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities and regulations, as justices of towns.

**Superintendent of schools.**

SEC. 15. The superintendent of schools shall have and exercise the same powers and duties, and be subject to the same liabilities, as superintendents of schools in towns, except as herein otherwise provided.

**Duties of clerk.**

SEC. 16. The clerk shall attend the meetings of the council and keep a record of their proceedings, and also a faithful record of all the doings and votes of the inhabitants at their regular or special meetings; he shall perform such duties as may be lawfully required of him by the council, who shall fix and prescribe his salary therefor; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor

the same compensation as clerks of towns. It shall also be his duty to do and perform any acts required to be done by clerks of towns not inconsistent with the provisions of this act. The record by said clerk shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records of the proceedings of the city council, certified by him under the corporate seal shall be evidence in all courts and places.

SEC. 17. The treasurer of said city shall also be collector of all taxes levied for all state, county and city purposes, and shall perform all such duties, and exercise all such powers as may lawfully be required of him by the ordinances of the city or the laws of the state; and all monies raised by means of any tax, license, fine, forfeiture or otherwise, under authority of this act, or which may belong to the city, shall be paid into his hands, and shall not be drawn therefrom, except by an order signed by the mayor or acting mayor, ordered by the city council, and attested by the clerk. He shall keep an accurate account of all monies or other things coming into his hands as treasurer; he shall, as often as required by the city council, render an account of receipts and expenditures, and at the expiration of his office shall hand over to his successor in office all monies, books and papers and other property, in his possession, belonging to said office. The said treasurer shall have the same power, be subject to the same liabilities and laws, and receive the same compensation as town treasurers.

Collection of  
taxes, &c.

SEC. 18. The city council shall have power to enact, establish, publish, alter, modify, amend, repeal, and enforce all such rules, by-laws and ordinances for the government and good order of the city, for the suppression of vice and immorality, prevention of fires, the promotion of health, removal of nuisances, and for the benefit of trade and commerce, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate the provisions of such rules, by-laws, or ordinances, as have been duly passed, adopted and published, in one or more of the newspapers printed in said city, two successive weeks prior to the taking effect thereof, and all such rules, by-laws and ordinances, are hereby declared to be and have full force of law: *Provided*, they be not repugnant to the constitution and laws of the United States and of this state.

Council may  
establish by-  
laws for gov-  
ernment of the  
city.

1st. To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous or

Licences.

intoxicating liquors, and to license and regulate the exhibitions of common showmen, or showmen of any kind, or the exhibition of any natural or artificial curiosities; all caravans, circusses and theatrical performances, and to establish the price in all cases except where the same may be fixed by law.

**Gaming.**

2nd. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing with dice, cards or other games of chance for the purpose of gain.

**Riots.**

3rd. To prevent riots, noise, disturbance, or disorderly assemblages, to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all implements or devices used for the purpose of gaming.

**Nuisances.**

4th. To compel the owner or occupant of any grocery, cellar, tallow chandlery, soap factory, tannery, stable, privy, sewer, or other unwholesome or nauseous place, to cleanse, remove or abate the same, and do all such things as may be necessary for the health, comfort, and convenience of the inhabitants of said city.

**Markets, &c.**

5th. To direct the location and management of all slaughter houses and markets, to regulate the storage and keeping of gun-powder, and other combustible materials.

**Encumbering streets.**

6th. To prevent the encumbering of the streets, side and cross walks, lanes, alleys, and public grounds of the city, and cause the removal of all such encumbrances of whatever nature, except building materials necessary for the erection of any buildings: *Provided*, such materials shall not obstruct or encumber any other premises except the one on which such buildings is being erected, and then only for a reasonable time.

**Horse racing, &c.**

7th. To prevent horse racing or immoderate driving or riding in the streets, and to regulate the places for bathing and swimming.

**Running at large of cattle, swine, &c.**

8th. To restrain the running at large of cattle, swine, sheep, horses, geese and poultry, and to authorize the distraining and sale thereof.

**Dogs.**

9th. To prevent the running at large of dogs, and to authorize their destruction in a summary manner, when at large contrary to regulation, and to impose a tax on the same at their discretion.

**Prevention of nuisances.**

10th. To prevent any person from bringing, depositing, or having within the limits of the city any putrid carcass, or any unwholesome substance, and to cause the removal or burial of the same at the expense of the owner thereof;



and any person who shall have upon his or her premises, any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, shall, in default of removing the same on due notice, pay the expenses thereof, when removed by any competent officer in the fulfilment of his duty.

11th. To make and establish public pounds, wells, fountains, cisterns and reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants of the city, or any ward therein, to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of the owners or drivers thereof. Pounds, &c.

12th. To establish and regulate boards of health, provide hospitals, cemeteries, and regulate the burial of the dead, and the return of bills of mortality. Boards of health.

13th. To procure fire-engines, buckets, hooks and ladders, and other implements for extinguishing fires; prescribe and regulate the material of which houses shall be built within certain limits, and the manner of erecting chimneys; to remove chimneys and stove-pipes which may be deemed dangerous, at the expense of the owners or occupants thereof; to require the owners of buildings to provide and keep suitable ladders and fire buckets, to direct the safe deposit of ashes, to appoint fire wardens, and prescribe their duties and compensation. Fire engines, &c.

14th. To regulate the building of wharves and bridges, and provide for the security and protection of the same. Wharves and bridges.

15th. To prevent all persons from riding, driving or leading any horse or other animal on the side-walks within the limits of the city, and from doing any damage to the same. Riding on side walks, &c.

16th. To prevent the discharge of firearms, rockets or crackers, or the exhibition of any fireworks which may endanger the persons or property of the inhabitants of the city. Fire-arms.

17th. To restrain drunkards, or immoderate drinking, and obscenity in the streets or any public places, and provide for arresting, removing, and punishing any person or persons who may be found guilty of the same. Drunkards, &c.

18th. To regulate the police of the city, to appoint watchmen, and organize fire companies, and prescribe and regulate their duties, and provide punishment for delinquencies. Police.

19th. To regulate the place and manner of weighing hay; of measuring and selling wood, lumber, timber, stone, lime and sand, and when necessary to appoint suitable inspectors and surveyors to superintend the same. To regulate the weighing of hay, &c.

**Sidewalks.**

20th. To compel the owner or occupant of any building to remove the snow, ice, dirt, or other rubbish, from the sidewalk opposite thereto.

**Protection of trees, &c.**

21st. To protect trees and monuments within the city.

**Dead carcasses.**

22nd. To prevent the depositing within any waters of the city, any dead carcasses, or filth of any kind, and to prescribe penalties therefor.

**Compensation of officers.**

23d. To regulate the compensation of all officers not provided for by law, except their own.

**Seal.**

24th. To have a common seal, and alter the same at pleasure.

**Hold property.**

25th. To purchase, lease, hold and convey any estate, real or personal, for the use of said city.

**Publication of notices.**

SEC. 19. The affidavit of the printer, of the publication of any by-laws or ordinances, or the affidavit of the clerk, of the posting up of any notice required by law, shall be sufficient proof in all courts and elsewhere, that such by-laws, or ordinances, were properly published, or such notices properly posted up, as the case may be.

**Qualifications of jurors, &c.**

SEC. 20. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant or freeholder in said city, in any action in which the city is a party, or is interested.

**Processes to be by warrant.**

SEC. 21. In all suits for the violation of any ordinance of said city, the process may be by warrant, and it shall be sufficient without setting forth the special matter, to declare generally in debt, with reference to the ordinance under which the action is brought; the defendant may plead the general issue, and give the special matter in evidence.

**Violation of ordinances.**

SEC. 22. Every execution issued upon any judgment for the violation or non-violation of any ordinance or by-law of said city, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail of Brown county, for such term as shall have been provided by the ordinance under which the judgment shall have been rendered. All fines, penalties and forfeitures, for the breach of any law or ordinance, when collected, shall be paid into the city treasury for the use of the city.

**Service of process.**

SEC. 23. When an action or suit shall be commenced against the city, the service thereof may be made by leaving an attested copy of the process with the clerk or mayor, and it shall be the duty of the person with whom such process is left, forthwith to inform the city council thereof.

SEC. 24. The city council shall settle all just claims and demands against the city, and pay the same by order on the treasurer, and also settle with the treasurer annually, and publish accounts of receipts and expenditures. Shall publish account of expenditures and receipts.

SEC. 25. The city council shall have power to appoint, and at their pleasure to remove, by a vote of the majority of the board present, and acting, the following officers, and such others as may be deemed necessary to carry out the powers conferred by this act, to wit: one marshal for the city; one chief warden for the fire department, and as many assistants as they deem necessary; one or more street commissioners for each ward—and prescribe their duties and compensation, and to inflict fines and penalties for any malfeasance in office. Minor officers.

SEC. 26. If any of the duties enjoined by this act, at any time herein specified, or specified by any ordinance of the council are not then done, the city council may appoint some other time when the said duties may be done: Non-performance of duties.  
*Provided*, the officers so failing to perform such duty at the time required, shall be liable to the same actions, fines and penalties, as he would have been liable to, if the said council had not the power to appoint another time.

SEC. 27. Whenever the office of any person elected under the provisions of this act, by qualified voters of the city, shall become vacant, by reason of the death, resignation, removal, refusal or neglect to qualify, or for any other cause whatever, the same may be filled by special election, to be held at such time and place as may be designated by the mayor, or acting mayor and council; and the person or persons so elected, shall fill the vacancy during the term of his predecessor. Vacancies.

SEC. 28. The city council shall have power to authorize the formation of fire-engine, hook and ladder, and hose companies, provide for the due and proper regulation of the same; and to disband any such companies at any time, and prohibit their meetings, as such, when disbanded. All companies formed by authority of the city council, shall be officered and governed by their own laws: *Provided*, such by-laws be not inconsistent with the laws of the state, or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city, shall be exempt from serving on juries, and from poll tax and military duty, except in case of war, invasion or insurrection; and whenever a member of a fire, hook and ladder, bucket or hose company shall have served therein ten years, he shall be entitled to Fire companies.

a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

**Special taxes.**

SEC. 29. Upon the application, in writing, of two-thirds of the owners of lots or parcels of lots upon any street, or part of street, the city council shall have power to cause to be graded, graveled, paved or planked, any street or part of street, or the side walks on any street or part of street within said city, and to levy and collect a special tax on the lots and lands bordering and fronting on such street or side walk, in proportion to the front or size of such lots respectively, for the purpose of defraying the expense of the same, in addition to the ordinary tax authorized by this act, to be levied and collected in the same manner as annual taxes are collected; and it shall be the duty of the city council to provide by ordinance for the assessing, correcting and equalizing of such special tax.

**Council shall have power to lay out streets.**

SEC. 30. The said city council shall have power and authority to lay out new streets, alleys and public walks, and to vacate or alter such streets, alleys, side walks and public walks as in their opinion shall not be of public utility; to grade, pave, and improve streets, avenues, lanes and alleys, and extend, open and widen the same; and notice of the passage, by the city council, of any order for laying out, vacating, changing or altering said streets, alleys and walks, shall be given by publishing notice of said order, in some newspaper printed in said city, immediately after the passage of the order aforesaid; and if any person shall claim damages by reason of such order, and shall file his claim, in writing, with the clerk, within thirty days after the order for laying out, vacating or altering shall have been made by the city council, the city council shall cause the damage, if any over and above the benefit accruing thereby to such claimant, to be assessed by a jury, as hereinafter provided.

**Damages to be paid.**

SEC. 31. The said city council shall, at the expiration of thirty days after the making and entering of any order for the opening and laying out, extending or vacating any street, alley or public walk, cause to be summoned six good and lawful freeholders, inhabitants of said city, (and not directly interested,) who, being first duly sworn for that purpose, shall take into consideration, as well the benefit as the injury, which may accrue, and estimate and assess the damage which would be sustained by reason of the laying out, opening and extending or widening of any street, alley, avenue or public walk as aforesaid, and shall return the same within six days to the city council, under their

hands and seals, and the amount of their finding shall be paid out of the treasury of said city.

SEC. 32. The said city council shall have power to tax Poll tax. each male person who, by the laws of the state, is subject to perform highway work or labor, not to exceed two days labor on the streets of said city; but any such person may at his option pay at the rate of seventy-five cents per day, for every day he may be bound to labor, which labor and money shall be expended by the street commissioner, under the direction of said council; and in default of the payment of such money or labor, the street commissioner may sue for and collect such money, by an action of debt, in the name of the city of Green Bay, with fifty per cent. damage on the same, together with costs of suit before the mayor or any justice of the peace. The said city council shall also have power to levy a tax on all assessed property in said city, for the purpose of repairing and improving streets in said city, to be taken from the then last assessment roll, to be expended under the order of the council: *Provided*, Said tax shall in no one year exceed the sum of one mill on the dollar of valuation.

SEC. 33. For the discharge of any debt against said city, or expenditure authorized by the city council under the provisions of this act, or ordinance of said city, the city council shall have power to levy, and collect annually a tax on all such real estate and personal property, or capital of any kind within said city, subject to taxation by the laws for levying state and county taxes for the time being: *Provided*, such tax shall not in any one year exceed one per cent. on the dollar of the assessed value of such property. May levy tax to pay indebtedness.

SEC. 34. Special taxes for the purchase of fire engines, or for the purchase of cemeteries, or improving the same, for the burial of the dead, may be voted at any regular or special meeting. But no such vote shall be taken unless said tax shall be first recommended by said council, and a notice of the same, specifying the purpose for which said tax is to be raised, and the time and place for voting be published at least one week before such meeting, in some newspaper in said city. Tax for fire engines, &c.

SEC. 35. The assessors elected or appointed by [virtue of] this act, shall, in all things pertaining to their office, be governed by the same laws as assessors in towns, excepting that as soon as they have completed their assessment rolls, they shall return them to the city clerk without holding appeals. Assessors.

**Equalizing.**

**SEC. 36.** It shall be the duty of the clerk annually, upon receipt of the assessment rolls, to lay the same before the city council for their consideration, and the said city council shall be a board of appeal and equalizing, and if they deem it necessary, may make such amendments and corrections or alterations as will produce an equality of assessment, agreeable to the value or comparative value, between the several lands and other property, and when so equalized, the said council at any time thereafter may proceed to levy upon the whole amount of such assessment as corrected and equalized, such a per centage as a majority of all the board may deem necessary for all corporate purposes for the year in which it is made; but no county or state tax shall be levied by such council, until the assessment shall have been equalized by the county board, the same as the assessor of towns; and after having been so equalized by the county board, the same rules and regulations shall be observed in levying and collecting said county and state taxes within said city, as are applicable to the same in towns. And said city council shall have power to enforce the collection of all taxes that have been levied, are due and unpaid for general purposes, streets or side-walks, whenever the amount due can be ascertained: *Provided*, said taxes have not been due more than two years.

**Duty of clerk.**

**SEC. 37.** It shall be the duty of the clerk to complete the tax lists of each ward within such time as shall be prescribed by the city council, and deliver the same, together with the warrant of said board, to the treasurer for collection; which warrant shall be substantially the same as is required by law, of town clerks; and the taxes so assessed on real estate shall be a lien, in preference to any other lien on the estate so taxed, until the same shall be paid, together with all legal charges thereon.

**Notice to be given by treasurer.**

**SEC. 38.** Upon the receipt of any tax roll by the treasurer, it shall be his duty to give public notice in a newspaper published in said city, that such tax list, (describing for what purpose said tax or taxes are levied,) has been committed to him for collection, and that he will receive payment for taxes at his office, for the term of thirty days, next ensuing said notice; and all persons paying taxes during said time, shall be entitled to a discount of two per centum upon the amount paid; if the taxes are not paid within said time, he may then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time

and place of such sale, by posting up not less than five written notices in as many public places in said city.

SEC. 39. In case no goods and chattels can be found out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall be his duty to make out a list of all the city property and taxes remaining unpaid, on the first Monday in October (for all or any city taxes) next succeeding the date of his tax list and warrant, and the list so made out, with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had not been able to find goods and chattels out of which to collect said taxes, shall be called the delinquent list of taxes, levied for city purposes, and it shall be his duty to return said delinquent list to the mayor of said city of Green Bay, and it shall also be the duty of said city treasurer to make out a list in like manner, of all state, county, and school taxes, remaining unpaid, on any lot or lots and pieces of land, named in his tax list, to the treasurer of the county of Brown, in the same manner, and at the same time, and to have the same effect that returns have when made by the treasurer of towns, and the said city treasurer shall receive the same compensation, and be subject to the same penalties and liabilities as treasurers of towns. Collection of taxes.

SEC. 40. It shall be the duty of the mayor of said city upon receiving the said delinquent list, as provided in the preceding section, to give public notice, in one or more newspapers published in said city, four successive weeks, that the delinquent list of taxes levied for city purposes, on lots and parts of lots and pieces of land, for the year —, has been returned to him, with a description of the lots and pieces of land, and the amount due on each, and that from the time of the return of said list, if not paid in one year, with costs and twenty-five per centum on the same, that judgment will be rendered against each and every lot or lots and pieces of land contained in said delinquent list for the amount due with interests and costs, (the said mayor acting as justice) upon the rendering of judgment, shall make out and file a transcript with the clerk of circuit court for the county of Brown, and upon filing said transcript said clerk shall issue execution, directed to the sheriff of said county, directing him to sell such property therein named, by giving thirty days notice according to law, and when so sold, the owner or owners shall have two years to redeem the same by paying twenty-five per cent. interest per annum. Delinquent list to be published.

Rights and  
privileges of  
city.

SEC. 41. The city of Green Bay shall be and is hereby invested as the lawful owner and successor of all the real and personal estate, and all the rights and privileges belonging to the corporation of the borough of Green Bay, together with all the funds, revenues, debts and demands, due and owing to the said borough of Green Bay as a corporate body, which by or under any former acts, ordinances, grants, donations, gifts, or purchases, have been acquired, vested, or in any manner belonging to said corporation, and the same are hereby transferred to the corporate body created by this act; and all suits, judgments, rights, claims and demands against the said borough of Green Bay, may be continued, prosecuted, defended and completed, in the same manner as if this act had not been passed.

Officers of bo-  
rough of Green  
Bay.

SEC. 42. All the officers of the borough of Green Bay shall remain in their respective offices, and perform the several duties thereof until the officers, elected by virtue of this act, shall be qualified; and all by-laws, resolutions and ordinances, passed and adopted by the president and trustees of the borough of Green Bay, shall remain in full force, until altered or repealed by the city council established by this act.

City and town  
of Green Bay  
dissolved.

SEC. 43. From and after the first Monday in May, 1854, the connection between the said city of Green Bay and the town of Green Bay for town purposes, shall be dissolved, and the duties now or hereafter imposed upon the supervisors and other officers of towns, so far as they relate to the city of Green Bay, shall be imposed on the officers of said city of Green Bay, and so much of the town of Green Bay as is not included in the limits of the city of Green Bay, shall continue to constitute the town of Green Bay, for the purposes of town and county government; and they shall hold their first town meeting at such place within the original town of Green Bay, as their board of supervisors shall appoint, and thereafter the place of meeting shall be fixed by vote of the town meeting.

Affairs of town  
and city.

SEC. 44. The town business of the town of Green Bay, as at present constituted up to the time of this act taking effect, shall be settled by the town constituted by this act, and the amount of funds remaining or debts due, as the case may be, shall be proportioned between the said town and city, according to the amount of taxable property in each, as taken from the last assessment roll.

This act may  
be amended.

SEC. 45. This act may be amended, altered or repealed by the legislature; and the act, entitled, "an act to incor-



rate the borough of Green Bay," and all acts and parts acts, inconsistent with this act, shall be and are hereby repealed, such repeal to take effect at the time when this becomes operative.

Sec. 46. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Approved, February 27, 1854.

An Act to change the name of Elizabeth Crumby to that of Florence Farr.

Chap. 81.

*The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of Elizabeth Crumby, of the town of Hubbard, in the county of Dodge, is hereby changed to that of Florence Farr, and by the last mentioned name shall be known and recognized. By what name to be known.

Sec. 2. The said Frances Farr shall be known as the adopted daughter and heir of Joel Farr and his wife Ira Ann Farr, of the town of Hubbard, and entitled to the rights and privileges, and subject to all the duties and inheritance, support and maintenance, as fully and equally, and in the same manner, as she might or should if she were the legitimate child of said Joel Farr and Ira Ann Farr. Rights and privileges.

Sec. 3. This act shall not take effect or be in force until said Joel Farr shall irrevocably assert thereto in writing under his hand and seal, and record the same in the office of register of deeds in and for the county of Dodge. When act to take effect.

Approved, February 27, 1854.

An Act to authorize certain persons to maintain certain Dams, Booms and Piers.

Chap. 82.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Charles Shuter, D. A. B. Barnes and Walter D. McIndoe, their associates, heirs and assigns, are hereby authorized and empowered to keep and maintain certain dams, booms and piers, situate on the Wisconsin river, in town (29) twenty-nine, north, range (7) seven, east, of the fourth principal meridian: *Provided*, the said dams, booms and piers, do not obstruct the navigation of the Wisconsin river for rafts of lumber.

SEC. 2. This act shall take effect, and be in force and after its passage.

Approved, February 27, 1854.

**Chap 83.** An Act to authorize the Mayor and Common Council of the City of Milwaukee, to appropriate Money from a certain Fund to the purposes named.

*The people of the State of Wisconsin, represent Senate and Assembly, do enact as follows:*

SECTION 1. The mayor and common council of the city of Milwaukee, are hereby authorized and empowered to appropriate from any money in the treasury of said city, or which may be received, from the proceeds of any city bonds which may be issued under, and by virtue of an act entitled "an act to authorize the mayor and common council of the city of Milwaukee, to issue bonds to raise money for the construction of a harbor at the mouth of said city, approved April 1, 1854," an amount not exceeding one thousand dollars, to pay for repairs to be made, on the government piers, or either of them, at the Milwaukee river: *Provided*, said repairs shall have been made, or shall be made hereafter, in accordance with a contract or contracts, approved by said mayor and common council, and on file in the office of the city controller.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, February 27, 1854.

**Chap. 84.**

An Act to vacate part of a certain Road therein named.

*The people of the State of Wisconsin, represent Senate and Assembly, do enact as follows:*

SECTION 1. That all that part of the county line between the counties of Marquette and Columbia, at the south-east corner of section No. thirty-two, in township No. fourteen (14,) north of range No. ten (10,) and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 27, 1854.

*he people of the State of Wisconsin, represented in the Senate and Assembly, do enact as follows:*

SECTION 1. An act entitled "an act to provide for the Repealing section.  
 tion of county buildings in the county of Washington," passed, March 19th, 1853, and also an act amendatory thereof, approved, July 6th, 1853, are hereby repealed.

SECTION 2. The commissioners named in the above first-mentioned act shall, on or before the fifteenth day of March, make out a correct statement and account of all their duty of commissioners.  
 done under the said act, and deliver the same, together with all books, papers, records, contracts, plans and specifications, and all other documents relating to their duty and done, under the said act, to the clerk of the board of supervisors of said county of Washington, and in case of the neglect or refusal of said commissioners to comply with the requirements contained in this section, they shall forfeit and pay to the use of the said county of Washington a sum of fifty dollars, for each and every day they shall so neglect or refuse, to be recovered in an action of debt on the part of any person who may see fit to sue for the same.

SECTION 3. So soon as the said commissioners shall have delivered over the statement, books, papers, specifications, contracts, and all other documents, as required by the second section of this act, it shall be the duty of the said clerk of the said board of supervisors to forthwith notify the chairman of the board of such delivery, and shall deliver over to the chairman the said statement, books, papers, specifications, contracts, and all other documents, at their first meeting after the delivery of them by the said commissioners of the same. Duty of clerk.

SECTION 4. The Secretary of State shall, as soon as practicable after the passage of this act, forward a copy thereof to the clerk of the said board of supervisors of Washington county, and also a copy thereof to each of the commissioners named in the said act hereby repealed.

SECTION 5. This act shall take effect immediately from and after its passage.

Approved, February 27, 1854.

An Act to incorporate the Beloit Female Seminary.

Chap. 86,

*The people of the State of Wisconsin, represented in the Senate and Assembly, do enact as follows:*

SECTION 1. S. T. Merrill, L. G. Fisher, T. L. Wright, Body corporate Hobart, A. B. Carpenter, and De Lorma Brooks, rate.

together with such persons as may hereafter become associated with them, are hereby created a body politic and corporate, with perpetual succession, by the name and title of "The Beloit Female Seminary," by which name they and their successors shall be known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity; and further shall have power to borrow any sum or sums of money necessary for the purposes of said corporation; may have and use a common seal; and shall have power to receive as a gift, and to purchase and hold, any real estate or personal property consistent with the interest of the institution, and the same to sell and convey, or otherwise lawfully dispose of, at pleasure.

**Stock.** SEC. 2. The stock of said corporation shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as may be provided in the by-laws of said corporation.

**Meetings.** SEC. 3. Any three of the above named persons shall have power to call a meeting of the said association, by giving ten days notice thereof, by posting up notices in three public places in the village of Beloit, where said corporation is hereby located.

**Trustees.** SEC. 4. At such legally notified meeting the stockholders shall elect, by ballot, six trustees, to hold their office for one year, or until their successors are elected and qualified.

**Elections.** SEC. 5. At all elections and meetings of said corporation each stockholder shall be entitled to one vote for each share of stock owned by him.

**Election of president, &c.** SEC. 6. The trustees shall have power to elect from their number a President, Secretary, and such other officers as are required by their by-laws, and to make such by-laws and regulations as they may deem proper, not conflicting with the laws of this State.

SEC. 7. This act shall be in force from and after its passage.  
Approved, February 27, 1854.

## Chap. 87.

An Act to amend chapter ninety-four of the Session Laws of 1850.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The following proviso is hereby added to and declared to be a part of section one of an act entitled "

act to authorize the construction of a dam across Rock river," approved February 7, 1850, to wit: "And, *provided further*, that in the event that such dam shall cause the water to flow back on any lands not owned by said Ira Miltimore, or his associates, successors, or assigns, or either of them, then the party or parties owning and constructing said dam, or causing the same to be constructed, shall pay to the owner or owners of the lands so overflowed, such sum of money as such lands may be reasonably worth, the value thereof to be ascertained by the verdict of a jury in an action of trespass, to be brought in any court of record having competent jurisdiction.

SEC. 2. All acts and parts of acts, contrary to the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 27, 1854.

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An Act to amend chapter 138, of the Private and Local Acts of 1852.

Chap. 88.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the act to incorporate the Marquette and Columbus plank and turnpike road company, approved March 23, 1852, be so amended as to authorize and empower said company to extend said road from the village of Marquette to the village of Neshkoro, in the county of Marquette, subject to all the provisions contained in said act, in relation to the laying out and constructing said road.

SEC. 2. This act shall be in force and take effect from and after its passage.

Approved, February 27, 1854.

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An Act to amend chapter 127, of the Private and Local Laws passed in the year one thousand eight hundred and fifty-three, and to legalize the election of Trustees of the village of Appleton.

Chap. 89.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section sixteen of the act, of which this is Section amend- amendatory, is hereby amended by adding after the word datory. "compensation," at the end of said section, the words

"fifteenth, upon the application of a majority of the owners of the lots bordering and abutting on any street, or on one side of any street, or block, or part of a street or block, to levy and collect a special tax on the owners of the lots so bordering or abutting, for the purpose of making cross walks, or side-walks, along the fronts of the lots so bordering or abutting, or of grading, graveling, paving or otherwise improving such streets, or of repairing or renewing such side-walks or cross-walks, such special tax to be levied or collected in equal proportions to the fronts of such lots respectively, for the purpose of defraying the costs of such improvements, in addition to the ordinary tax authorized to be levied and collected, and to be levied and collected, and expended in making such improvements, under the direction of the trustees. And it shall be the duty of the trustees to provide by ordinance, for the assessing, correcting, equalization and collection of said special tax; and the property so assessed shall be liable for the payment of the same; and in case any such tax shall remain unpaid, shall in all respects be the same as in case of delinquency in the payment of the annual tax, with the addition of like interest, cost and penalty."

Official acts of  
officers declar-  
ed valid.

SEC. 2. The organization of said village, and the election held in said village for officers of said village, on the second Tuesday of April, A. D. 1853, and the official acts of the officers so elected, under the act of which this is amendatory, are hereby declared valid and in full force.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 1, 1854.

## Chap. 90.

An Act to legalize the acts of the Town Clerk of the Town of Plover.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the official acts of Gilbert M. L. Park, town clerk of Plover, Portage county, for the year eighteen hundred and fifty three, and eighteen hundred and fifty-four, are, and the same are hereby declared legal and valid: *Provided*, that said clerk shall file his bond as town clerk, before the expiration of his term of office.

Approved, March 1, 1854.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. John B. Jacobs, S. B. Gilkey and G. A. Sayers, are hereby appointed commissioners, to lay out and establish a state road, commencing in the town of Howard, in the county of Brown, via Swanico, Pensucky, Oconto, Peshetico, to Menomonee, on the Menomonee river, in the county of Oconto.

SEC. 2. It shall be lawful for a majority of said commissioners to lay out and establish said road.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 1, 1854.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Samuel Blake, Reuben Wheeler, Archibald Buchanan, jr., and Jesse M. Sherwood, be and are hereby appointed commissioners to lay out and establish a state road from the town of Depere, in Brown county, through and to any intermediate points they, or a majority of them, may deem proper, to the village of Manitowoc, in Manitowoc county.

SEC. 2. Said commissioners may receive moneys and subscriptions for the benefit and use of said road, and it shall be the duty of the said commissioners to expend the moneys or subscriptions so made or had for the purpose of improving the said road.

SEC. 3. The counties through which the said road may pass, shall pay to said commissioners any compensation for their services in laying out said road as may be just and reasonable, for the time and labor so expended by the said commissioners, in the laying out and improvement of the said road.

SEC. 4. This act shall take effect from and after its passage.

Approved, March 1, 1854.

## Chap. 93.

An Act to organize the town of Maranett, in the County of Oconto.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that part of Oconto county north of the northern line of town twenty-eight, of range eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four, is hereby organized and constituted a separate town, to be called the town of Maranett.

SEC. 2. The first town meeting shall be held at the house of John B. Jacobs, or at the usual place of holding elections in said town of Maranett, according to the provisions of section six (6) of chapter twelve (12) of the revised statutes of this state.

SEC. 3. This act shall be in force from and after its passage.

Approved, March 1, 1854.

## Chap. 94.

An Act relating to Paupers in the County of Rock.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Authority of supervisors.

SECTION 1. The board of supervisors of the county of Rock are hereby authorized to make such disposition in regard to the support and maintenance of paupers in said county, by the laws of this state chargeable to said county or to the several towns in said county, as they may deem most advisable.

May purchase farm.

SEC. 2. The said board of supervisors are hereby further authorized to purchase a quantity of land, not to exceed three hundred and twenty acres, to be known as the county poor farm, and to erect or cause to be erected upon said farm, such buildings as they may deem proper, and to make such improvements upon said premises as may be necessary to carry into effect the provisions of this act.

Paupers to be removed to county farm.

SEC. 3. As soon as such farm, buildings and improvements shall be in a proper state for the reception of paupers, all paupers in said county whose support and maintenance is, by law, chargeable to said county, shall be removed to the county poor farm, unless in extraordinary cases the superintendent of the poor, hereinafter mentioned, shall otherwise direct.

County and town poor.

SEC. 4. The said board of supervisors of the county of Rock, are hereby authorized, at any regular meeting of said board, or at any special meeting called for that pur-



pose, to abolish the distinction between county poor and town poor, and whenever such distinction shall have been abolished, all paupers in said county whose support is, by law, chargeable to said county, or to any town in said county, shall be supported at the expense of said county.

SEC. 5. The said board of supervisors shall have power to contract with the supervisors of any town or towns in said county for the support, by the county at the county poor farm, of any or all paupers in such town or towns, whose support and maintainance is, by law, chargeable to such town or towns.

Support of  
poor.

SEC. 6. It shall be the duty of said county board of supervisors, whenever they shall have purchased such county poor farm, to elect by ballot three county superintendents of the poor, who shall severally hold their office for such term as the said board of supervisors may determine.

Shall elect  
three superin-  
tendents.

SEC. 7. The said superintendents shall be a corporation, by the name of the "Superintendents of the Poor of the county of Rock," and shall possess the usual power of a corporation for public purposes. They shall have the general superintendence of the poor, whose support and maintainance is or may hereafter be, by law, chargeable to said county; and they may make such by-laws and adopt such rules and regulations for the support and maintainance of the poor under their care, not inconsistent with the laws of this state, as shall be approved by the board of supervisors of said county.

Powers of cor-  
poration.

SEC. 8. The said superintendents shall have the same power, in the performance of their duties as such superintendents, as are now by law conferred on town supervisors as overseers of the poor; but the board of supervisors of said county shall have the right to abridge or limit their powers, as they shall deem necessary for the protection of the interests of said county, or to remove either or all of said superintendents, by vote of a majority of all the members of the board, on proof of the neglect of duty, incompetence or malfeasance in office.

Ditto.

SEC. 9. The said superintendents shall, before they enter upon the duties of their office, severally subscribe the oath of office, required of other county officers, and shall severally give a bond to the board of supervisors of said county, in the penal sum of four thousand dollars, conditioned for the faithful performance of their duties as such superintendents, which bond shall be approved by the said board of supervisors, and shall be filed, together with their oath of office, in the office of the clerk of the board of supervisors.

Superinten-  
tendents shall  
take oath and  
give bonds.

xhibit settle-  
ment of affairs,  
5.

SEC. 10. It shall be the duty of said superintendents, or a majority of them, at the annual meeting of the board of supervisors, and oftener, if required by said board, to return to said board a statement of all moneys received and expended by them, for the year preceding the date of such statement, or since the date of their last statement, the several items for which moneys were expended; when, and to whom, such moneys are paid; together with the names of all persons who have been admitted to the county poor house during such time; the date of their admission, and when discharged; and from what town they were received, together with such other items of information as may be required by the said board of supervisors, which statement shall be sworn to by such superintendents, or a majority of them.

authorized to  
borrow money

SEC. 11. In order to carry into effect the provisions of this act, the board of supervisors of the county of Rock are hereby authorized to borrow a sum of money, not exceeding six thousand dollars, and to issue the bonds of the county of Rock for such amount, which bonds shall be redeemable at any time within ten years from the date thereof, and shall draw interest at a rate not exceeding ten per centum per annum, payable annually.

shall collect a  
tax

SEC. 12. The said county board of supervisors shall annually cause to be levied and collected upon the taxable real and personal property in said county, in addition to the tax raised to defray the ordinary expenses of the county government, a tax which shall be sufficient to pay the annual interest on said bonds.

bonds, when  
be redeem-  
able.

SEC. 13. Not more than one half of the principal amount of said bonds shall be redeemable in any one year, and it shall be the duty of said board of county supervisors, at their annual meeting next preceding the time when any of said bonds shall be due and payable or redeemable, to cause to be levied and collected, as aforesaid, a tax which shall be sufficient, in addition to the amount raised for the ordinary expenses of county government, to pay the amount of such bonds then about to become due and payable.

interest,

SEC. 14. The interest on said bonds shall be payable annually, at the office of the treasurer of said county, on the first day of May in each year; and it shall be the duty of the treasurer of said county, out of the money raised for county purposes on the assessment roll of each year, to receive in hands an amount sufficient to pay such interest promptly when the same becomes due, and he shall so pay it.

SEC. 15. The words "pauper" and "paupers," as used in this act, shall have the same meaning as the words "poor" and poor persons, as used in chapter twenty-eight of the revised statutes of this state.

SEC. 16. This act is hereby declared to be a public act, and all acts and parts of acts contrary to the provisions of this act, are hereby repealed.

SEC. 17. This act shall take effect from and after its passage.

Approved, March 1, 1854.

An Act to incorporate the Washington Iron Company.

Chap. 2

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The following named persons, viz.: Abram D. Smith, Charles E. Jenkins, Edward H. Goodrich, Stephen H. Alden and Byron Kilbourn, and all such persons as shall hereafter become associated with them, by subscribing to the capital stock in the corporation hereby created, and their successors and assigns shall be, and hereby are constituted, and made a body politic and corporate, by the name and style of the "Washington Iron Company," and by that name shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and causes; may have a common seal, which they may alter and renew at pleasure; and by that name shall be capable of purchasing, holding, and conveying any estate, real, personal, or mixed, for the use and benefit of said corporation.

Body corporate.

SEC. 2. The capital stock of said company shall be six hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares and stock shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe.

Capital stock.

SEC. 3. Said corporation shall have power to prospect for iron ore, mine, raise and smelt the same; cast, puddle, roll and manufacture all kinds of iron, and iron wares of every kind, and sell and dispose of the same at pleasure; may construct such dams, canals, waterways, reservoirs, flumes and races, as may be required, in the business operations of said company, on any lands which may hereaf-

Powers of corporation.

ter be owned by said company, or on the lands owned by any other person or persons, first obtaining the consent of the owner thereof for such purpose; may erect buildings, structures, and machinery of every kind necessary for the purposes of said company, to be moved by water or other power; may make and execute in the corporate name and capacity of said company, to any person, or persons, body corporate or politic, and acknowledge the same when required in due form of law, deeds of conveyance, or leases of lands, woods or mines, mortgages, bonds, notes, writings, and other papers of any kind or amount, as security for the loan of money borrowed, or for any debts due by said company to any such person or persons, body corporate or politic, and for any rate of interest which may be agreed upon between the parties, any law of this state to the contrary notwithstanding.

affairs to be  
managed by  
the directors.

SEC. 4. The property and affairs of said corporation shall be managed and conducted by a board of five directors, a majority of whom shall form a quorum for the transaction of business, who shall be elected annually after the present year, by the stockholders, at such time and place, and under such regulations as shall be prescribed by the by-laws, or adopted by resolution of the board of directors; and it shall be the duty of the directors to notify the stockholders of said company of the time and place of holding the annual meeting for such purpose, by publishing a notice thereof in some newspaper published in the counties of Dodge, Washington, or Milwaukee, for thirty days previous to such election, at least once a week; and at all elections, each stockholder shall be entitled to cast one vote for each share of stock held by him in said corporation, and may vote the same in person, or by proxy duly authorized: *Provided*, that no person shall be elected a director, who shall not at the time be a stockholder in said company.

notice of an-  
nual meeting  
be publish-

first board of  
directors.

SEC. 5. The five incorporators named in the first section of this act, viz., Abram D. Smith, Charles E. Jenkins, Edwin H. Goodrich, Stephen H. Alden, and Byron Kilbourne are hereby declared to be the first board of directors, whose term of office shall continue for one year, from the passage of this act, and until their successors shall be elected as aforesaid; and if for any cause an election shall not be held, at the regular time prescribed as aforesaid, the same may be held at any other time, on thirty days' notice being given by publication as aforesaid, and this charter shall not be impaired by reason of any irregularity, or

want of any such election; and in case of a vacancy happening in the board of directors by the death or resignation of any director, such vacancy shall be filled by the remaining members of the board, by the appointment of a director to fill the same. Books of subscription to the capital stock of said company may be opened at such times and places, and subscriptions received from all such persons, and subject to such payment as may be prescribed by the board of directors.

SEC. 6. The first board of directors at their organization, and their successors after their election, shall elect one of their number president, whose duty it shall be to preside at the meetings of the board; and in case of his absence at any meeting the directors present may elect a president *pro tem*. The president shall, in addition to the aforesaid duties, perform such other acts as may be prescribed by the by-laws, or required by the board of directors. The office, or place of business of said company, shall be at Iron Ridge, in the county of Dodge, or at such other place as shall be determined by the board of directors, and all meetings of the board for the transaction of business shall be at said office, or at such other place as may be appointed by resolution of the board, or by a call of the president. The board of directors may call special meetings of the stockholders at any time, on giving thirty days' notice, by publication as aforesaid. They shall have power to appoint a secretary and treasurer, and all other such officers, agents, laborers and servants as they may require for the transaction of the business of said company, prescribe their duties and compensation, and remove the same at pleasure; they shall have power to decide the time, manner, and proportions which the stockholders shall pay for the shares of stock subscribed by them, and forfeit to the use of the company the share or shares of any person failing to pay any instalment at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; and may adopt all necessary by-laws for the regulation and management of the affairs of the company.

Election and duty of president.

Place of business.

Directors may call special meetings, &c.

SEC. 7. This act shall be deemed a public act, and shall be favorably construed in all courts and places for the purposes therein expressed; and shall take effect and be in force from and after its passage.

Approved, March 1, 1854.

## Chap. 96.

An Act for the relief of certain School Districts.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Clerks to report to state superintendent.

SECTION 1. The clerk of school district number nine and ten, in the town of West Bend, Washington county, are hereby authorized and required to report, in writing, to the State Superintendent, on or before the 10th of March, 1854, the condition of schools in said districts, as they were required by law to report to the town superintendent on or before the fifteenth of September, 1853, and the state superintendent in apportioning the income of school fund to the several towns and cities of the State for 1854, is hereby authorized and required to apportion to the said town of West Bend such sum of money as it may be entitled to according to the number of children residing therein, between four and twenty years of age, including the additional number that may be reported according to the provisions of this act.

Apportionment of money

SEC. 2. The state superintendent shall forward copies of the reports received in compliance with the provisions of the first section of this act, to the town superintendent of said town of West Bend, on or before the 15th of March, 1854, and the said town superintendent shall, in apportioning school moneys to the several districts of said town for the year 1854, apportion to said school district number nine and ten such amount of money as they would be entitled to had such reports been made as required by section 30 of chapter 19 of the revised statutes.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 3, 1854.

## Chap. 97.

An Act to authorize the construction of a Race from White River to Fox River.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

May construct race.

SECTION 1. Ezra Wheeler and E. Dakin, and their associates, are hereby authorized to construct and maintain a race from White River, at such point as they may select, on section eight, town seventeen, range eleven, to Fox river, for the purpose of creating a water power, the same to be used for mill and manufacturing purposes.

SEC. 2. The said Ezra Wheeler and E. Dakin, their associates and assigns, shall have the sole and exclusive right to the use of the water-power created by such race, and shall have the right to enter upon land in the line of said race, for the purpose of locating and constructing the same, doing thereto no unnecessary damage. May take land necessary.

SEC. 3. In case the said Ezra Wheeler, E. Dakin and their associates can not agree with the owners of any lands, through which the said race may run, as to the amount of compensation to be paid for damages to such lands, then the question of damages shall be submitted to arbitrators, in the following manner: Each party shall select a disinterested arbitrator, and such arbitrator shall select another; or if either party shall neglect for three days, after being notified so to do by the other party, or if non-residents of this state, and on being notified by mail, by letter addressed to them at their usual place of residence, to select such arbitrator; and who shall neglect so to do for fifty days after mailing such letter, then in all cases of such neglect, the circuit judge of the county in which such lands lie shall select such arbitrators; and the said arbitrators shall proceed to make an award of the amount of compensation which shall be paid for such damages, and shall deliver a copy of their award in writing to each of the parties, and either party within ten days after receiving a copy of such award, may appeal from the same to the circuit court of such county, by giving written notice of such appeal to one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrator to certify all their proceedings to said court, and the said court shall enter said cause on its docket, in which the claimants of damages shall be plaintiff, and shall proceed to ascertain the amount of damages, by a jury, and if the amount be found for such plaintiff shall exceed the amount of the award, judgment shall be rendered for the plaintiff, with costs; and if the amount shall not exceed the amount of the award, judgment shall be rendered against such plaintiff for costs, and the award shall remain in force; and when the amount so found by such award or judgment shall be paid or tendered to the party entitled thereto, the same shall be a bar to any action or proceeding at law or in equity for such damages: *Provided*, That nothing in this act contained shall be construed to vest the said corporation or their associates with power to divert the waters of said White river to the prejudice of any proprietor thereon, or so to use said waters as to effect injuriously. Damages to be paid.  
In case of disagreement, to be left to arbitrators.  
Proviso.

prior rights of proprietors, on either the said White river or Fox river.

Sec. 4. This act is declared to be a public act, and shall be in force from and after its passage.

Approved, March 3, 1854.

## Chap. 98.

An Act to authorize Jonathan Leighton and his assigns, to construct and maintain a Dam across the Sheboygan River, in the Town of Sheboygan, in the county of Sheboygan.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Authorized to construct a dam.

SECTION 1. Jonathan Leighton and his assigns are hereby authorized to construct and maintain a dam across the Sheboygan River, in the town and county of Sheboygan, at any point between lots number two (2,) three (3) and five (5,) in section thirty-one (31,) in township fifteen (15,) north of range twenty-three east. Said dam when constructed, shall not exceed eight feet in height above low water mark, and shall be so constructed, as to admit of the passage of all descending water crafts, lumber, rafts and timber, in safety, which shall at all times be entitled to pass said dam free of all charges to the owner or owners thereof.

May use water of river.

Sec. 2. The said Jonathan Leighton and his assigns, are hereby authorized to use the water of said river for hydraulic purposes, and for that purpose may divert the same, or so much thereof as may be necessary for his, or their purposes, from the bed of said river: *Provided*, the said water so diverted shall be returned again to said river at some point in lots number two or three, in said section thirty-one.

Proviso.

Sec. 3. This act shall take effect from and after its passage.

Approved, March 3, 1854.

## Chap. 99.

An Act to authorize the laying out a State Road from Grand Rapids to Black River.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Commissioners.

SECTION 1. John H. Compton, Timothy Hurley, J. K. Searle and William W. Shatts, be, and are hereby appointed commissioners to lay out and establish a state



ad, commencing at Grand Rapids, in Portage county, and running thence on the most direct and practicable route to Eagle Point, on Yellow River, thence on the most direct and feasible route to Black River.

Sec. 2. The commissioners shall receive for their services two dollars for each day actually engaged in laying out said road, to be paid by the several counties through which said road may pass: *Provided*, that no part of the expenses of laying out said road shall be paid out of the state treasury.

Pay of commissioners.

Approved, March 3, 1854.

An Act to incorporate the Racine Young Men's Association.

Chap. 100

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. W. R. Hinckley, Josiah Styles, W. H. Baker, A. Orvis, J. L. Evans, Samuel H. Morse, R. W. Rowe, J. Ullman, George Godfrey, B. A. Segar, O. S. Taylor, D. Cushman and such other persons, as now are or may hereafter from time to time become associated with them, are hereby constituted a body corporate, by the name of "Racine Young Men's Association," for the purpose of establishing and maintaining a reading room, library, library and scientific lectures, and other means of moral and intellectual improvement.

Corporators.

Sec. 2. The said association shall have the power to make, from time to time, such by-laws, rules and regulations, as shall be judged proper, for the election of officers, for prescribing their respective functions, and the mode of discharging the same; also for the admission of new members to the said association; for the government of the officers and members thereof; for regulating the annual rate of contributions towards the funds thereof; for appointing the times and places of meetings; for managing the affairs of the association, and for the suspending or expelling of such officers and members, as shall neglect or refuse to comply with said by-laws, rules and regulations.

Association may make by-laws.

Sec. 3. The corporation hereby created may acquire, hold, hold and transfer real and personal estate to the amount

May hold property.

twenty-five thousand dollars, and also may further acquire, take, hold and convey all such books, cabinets, library, furniture and apparatus as may be necessary for attaining the objects and carrying into effect the purposes of said association.

**Officers.**

**SEC. 4.** The officers of the said association shall consist of a president, two vice presidents, a corresponding secretary, a recording secretary, a treasurer and five managers, who together shall constitute an executive committee, in whom shall be vested the control and disposal of the funds, property and estate of the said corporation, and the general direction and management of its concerns.

**Present officers to hold their offices until others are elected, &c.**

**SEC. 5.** The several officers of the said association at the time of the passage of this act, shall continue to hold their respective offices, as officers of the corporation hereby created, until the next annual election; and all personal property, or funds, or securities now held by the said officers, or either or any of them, or any other person or persons, in trust for the said association, or for the use and benefit of the same, shall, by virtue of this act, vest in and become the property of, and may be sued for and recovered in the name of the corporation hereby created; and the said corporation shall assume and be liable for all contracts, agreements and responsibilities which have been entered into and incurred previous to the passage of this act, by the officers of the said association, or any of them, lawfully acting in behalf of the said association.

**Annual election.**

**SEC. 6.** The annual election for officers of the said association shall be held on the second Tuesday of January, in each year, or on such other day as the said association, in and by its constitution may appoint; notice of which shall be published in the newspapers of the city of Racine, at least ten days previous to such election.

**Powers of executive committee.**

**SEC. 7.** The executive committee shall have power to appoint, and at pleasure remove such agents or servants, as the business or interests of the said association may, in their opinion, require.

**Funds to be used only for objects specified.**

**SEC. 8.** The estate, property and funds of the said association shall be devoted solely to the general purposes and objects specified in the first section of this act, and the real estate of this association shall be subject to taxation in the same manner as real estate that is held, or owned by individuals.

**SEC. 9.** This act shall take effect immediately after its passage.

Approved, March 3, 1854.

An Act to authorize the Town of Lawrence to aid in the construction of certain Roads. Chap. 101

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The board of supervisors of the town of Lawrence, are hereby authorized to subscribe for the town of Lawrence, any amount not exceeding twenty-five thousand dollars, to the capital stock of any companies authorized to construct rail or plank roads, which terminate in, or pass through, or within one mile of Lawrence, and to pay for the same the bonds of said town, payable in twenty years, with interest payable annually, at a rate not exceeding eight per cent., at any place in or out of the state. Supervisors authorized to subscribe stock.

SEC. 2. The shares of stock in said road companies thus taken by the town, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds: *Provided*, however, that the board of supervisors of said town, may sell such shares, but the proceeds thereof, and the interest received thereon, shall still be pledged to pay the interest and principal of said bonds. Shares pledged for payment.

SEC. 3. The board of supervisors of said town, shall annually appoint one road stock commissioner, who shall attend the annual or special meetings of the stockholders of the said road companies, for the election of directors thereof, and shall be entitled to one vote for every share of stock said town shall hold, in said road company; and in case of his absence, or inability to attend, to appoint in writing under their hands, some other person who shall have the same power. Shall appoint one road stock commissioner.

SEC. 4. No bond or bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town voting on said question, shall vote in favor of the same, at an election called by the said board of supervisors for that purpose, to be held in the town of Lawrence, at the usual place of holding elections in said town; at such election those voting in favor shall vote a ballot with the words inscribed thereon, "For the Road," and those voting against, shall vote a ballot with the words inscribed thereon, "Against the Road." Four weeks' previous notice of said intended election shall be given in a public newspaper printed in Brown county, or if no newspaper be printed in said county, then by written or printed hand bills posted up in three of the most public places in the said town, and if published in a Vote to be taken before issuing bonds.

Form of ballot.

newspaper, this act shall be published therein, with the said notice of election. Said election shall be conducted and the returns made and canvassed in the same manner as the annual town meetings of said town.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 3, 1854.

**Chap. 102**     An Act to fix the Terms of the County Court in the County of Brown.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

When terms of court shall be held.

SECTION 1. The terms of the county court for the county of Brown, shall hereafter be held as follows:

On the second Monday of February.

On the second Monday of May.

On the second Monday of August.

On the second Monday of November.

When process returnable.

SEC. 2. All proceedings pending in said court, and continued to the next April term thereof, and all process and proceedings returnable at said term, shall be taken and held as continued or returnable to the second Monday of May next.

SEC. 3. All acts and parts of acts conflicting with the provisions of this act, are repealed.

SEC. 4. This act shall be immediately published in the newspapers in said county, and shall take effect immediately after such publication.

Approved, March 3, 1854.

**Chap. 103**     An Act for the relief of the Town of Howard, in the County of Brown.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All taxes levied or assessed for school purposes in the town of Howard, in Brown county, during or for the year 1853, is hereby, and the same is declared, valid; and the taxes so levied or assessed shall be collected and paid over under the provisions of chapter nineteen of the revised statutes—sections two, three and four, of chapter fifty of the session laws of the year 1853, to the contrary notwithstanding.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 3, 1854.

An Act to amend an act to incorporate the City of Oshkosh.

Chap. 104

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section forty-three of the act entitled an act Amendment:  
to incorporate the city of Oshkosh, approved March 25,  
1853, is hereby amended, so as to read as follows, to wit:  
"The said common council are hereby authorized to bor- Council autho-  
row upon the credit of the city of Oshkosh, such neces- rized to bor-  
sary sum or sums of money, for any term of time not row money.  
exceeding twenty years, and at such rates of interest not  
exceeding seven per cent., and payable at such place or  
places as they may deem expedient, not exceeding one  
hundred and twenty-five thousand dollars for any one  
year, and issue bonds or scrip therefor, under the seal of  
said corporation, signed by the mayor and countersigned  
by the clerk; such sum or sums so borrowed shall be ex-  
pended and applied under the direction of the mayor and  
common council for said city, in liquidation of the debts of  
the city of Oshkosh, and the permanent and useful improve-  
ment of said city, and in building necessary roads and  
bridges, leading to and from said city, or to connect with  
other roads already built, and to pledge the revenues and  
credit of the city for the repayment of the sum or sums so  
borrowed, and the interest on the same: *Provided*, that no *Provided*  
sum shall be borrowed, as above provided, unless by a  
vote of the majority of the freeholders resident in the  
city, cast for that purpose, at a special meeting called by  
order of the common council, by publishing notice of the  
same in one or more of the papers printed in the city for  
three weeks previous to the time of voting, which notice  
shall specify definitely the place or places for voting, the  
sum to be raised, and the purpose to which it is to be ap-  
plied."

SEC. 2. All acts and parts of acts, inconsistent with the  
provisions in this act, shall be and the same are hereby  
repealed.

SEC. 3. This act shall take effect from and after its pas-  
sage.

Approved, March 3, 1854.

**Chap. 105** An Act to authorize Oliver Gilbert to keep and maintain a Ferry across the Menomonee River.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Right to keep ferry.**

SECTION 1. Oliver Gilbert, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the term of ten years, of keeping and maintaining a ferry across the Menomonee river, at the Middle Mill Landing, in Chippewa county, which privilege shall extend one mile up and down said river from said landing.

**Rates of toll.**

SEC. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietors thereof shall be entitled to receive for crossing any vehicle, drawn by two horses, or one yoke of oxen, forty cents; for each additional horse or ox ten cents; for a man and horse twenty-five cents; for cattle and horses in droves, five cents each: *Provided*, that hogs and sheep shall not be charged more than three cents per head, and for foot passengers ten cents each.

SEC. 3. No ferry shall be licensed within one mile of the point where the ferry above provided shall be established.

Approved, March 3, 1854.

**Chap. 106** An Act to authorize School District number two, in the Town of Beloit, Rock County, to borrow Money to build a School House.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Board authorized to borrow money.**

SECTION 1. The district board in school district number two, in the town of Beloit, Rock county, are hereby authorized to borrow such sum of money not exceeding six thousand dollars, as the said district may by a vote at any annual or special meeting hereafter direct, for the purpose of building a school house in said district, and for the purpose of securing the payment of the sum so borrowed, with interest thereon, not to exceed ten per cent. per annum, may execute any promissory note or other instrument in writing, which shall be binding upon said district, and may also execute a mortgage upon any real estate of said district, which mortgage shall be a lien and incumbrance upon said real estate.

**How to be paid.**

SECTION 2. The principal and interest which may become due upon the sum so borrowed during each and every year thereafter, shall be added to the tax list by the

clerk of the said district, and collected with the other tax assessed in said district in the manner provided by law.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 3, 1854.

An Act for the relief of School District No. six, in the town of Magnolia, in the County of Rock. Chap. 107

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. John S. Miles, or any other voter in school district No. 6, in the town of Magnolia and county of Rock, is hereby authorized to call a special meeting of the voters of said district, to be held on or before the fifteenth day of March, A. D. 1854, at 6 o'clock, P. M., for the purpose of electing a district clerk, in place of Philo Haws, who has removed without the bounds of said district. Special meeting.

SEC. 2. Notice of said meeting shall be given to every voter in said district, either personally, or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and the person serving such notice, shall make to said meeting a return, containing the names of the persons by him notified; and a copy of said notice and the said return, together with the proceedings of said meeting, shall be recorded in the book of records of said district. Notice to be given.

SEC. 3. The said meeting shall have power

- 1st. To appoint a chairman and clerk for the time being;
  - 2d. To adjourn from time to time as occasion may require;
  - 3d. To choose a clerk to fill the vacancy occasioned by the removal of Philo Haws without the bounds of the district.
- Powers of meeting.

SEC. 4. This act shall take effect immediately.

Approved, March 3, 1854.

An Act to provide for the election of County Judge, in the County of Iowa, to fill a vacancy. Chap. 108

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. An election shall be held in the county of Iowa, on the annual town meeting day, in April next, of

When to be elected.

county judge of said county, to fill the vacancy in said office, occasioned by the refusal of the person elected thereto at the last election, to accept and qualify as prescribed by law.

How election  
to be conduct-  
ed.

SEC. 2. The inspectors of election in the several towns of said county of Iowa, shall conduct said election of county judge in the manner now provided by law for the election of county judges, and shall canvass the votes and make return, as is also now provided by law.

Act to be pub-  
lished.

SEC. 3. This act shall be published in the "Mineral Point Democrat" and "Wisconsin Tribune," newspapers printed in Mineral Point, in said county; the first insertion to be made immediately after its passage, and the publication to continue up to said day of election; and this form of notice shall be deemed sufficient, and no other or further notice shall be required.

When to take  
effect.

SEC. 4. This act shall take effect, and be in force, from and after its passage; and the publication in said newspapers, printed in said Mineral Point, shall be a sufficient publication thereof.

Approved, March 7, 1854.

**Chap. 109.** An Act to provide for laying out a State Road from Dakota to Stevens' Point.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Nelson Blodgett, J. P. Goodwin and Geo. C. Babcock be and they are hereby appointed commissioners to lay out and establish a state road from Dakota, in Waushara county, to Stevens' Point, in Portage county; and such commissioners shall be entitled to a reasonable compensation for their services, to be paid by the counties through which said road passes: *Provided*, That no part of the same shall be paid out of the state treasury.

SEC. 2. This act shall take effect immediately.

Approved, March 8, 1854.

**Chap. 110.** An Act to amend the amendatory act, approved July 13, 1853, of an act to incorporate the Milwaukee and Watertown Railroad Company, and the several acts amendatory thereto.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Amendatory.

SECTION 1. The first section of the amendatory act, approved July 13, 1853, of an act to incorporate the Milwau-



the Milwaukee and Watertown railroad company, and the several acts amendatory thereto, is hereby amended so as to read as follows: "The Milwaukee and Watertown railroad company, are hereby authorized and empowered to lay out, extend and construct a branch railroad to the railroad authorized to be constructed by the acts to which this act is amendatory; said branch railroad to commence at the village of Columbus, in the county of Columbia, and run from thence by the villages of Montello, Stevens' Point and Wausau, in the county of Marathon; thence northerly through the valley of the Wisconsin river, by the most feasible route, to the head waters of the Montreal river, and thence to the state line; and down the valley of the Montreal river, or on any feasible route west of said Montreal river at or terminating at or near such point on Lake Superior, as the character or face of the country may indicate as the most feasible route for a railroad, and for the best interest of said company; and the board of directors of said company are hereby authorized to increase the capital stock of said company to such an amount as they may at any time deem expedient to carry out the provisions and objects of this act.

Route of road.

SEC. 2. It shall be lawful for said company by a resolution of the board of directors, to construct their railroad in divisions, the first of which shall commence at Milwaukee and extend to Columbus; all other divisions to be determined by the board of directors, and the avails of all stock or liabilities created for the construction and equipment of each division, shall be applied in the construction and equipment thereof, and all the earnings of each division shall accrue and belong to the same.

Road to be constructed in divisions.

SEC. 3. An act, entitled, "an act to incorporate the Columbus, Montello and Stevens' Point railroad company, approved April 1st, 1853, is hereby repealed.

Repealing section.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 8, 1854.

An Act to authorize Joseph Goss to build and maintain a Dam across Sugar River.

Chap. 111

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Joseph Goss, his associates, successors and assigns, are hereby authorized to erect and maintain a dam

May erect dam.

across the Sugar River, at any point he or they may deem most suitable on any land he or they now or may hereafter own in section 26, town 2, north range 9 east, of the fourth principal meridian, the same being in the county of Green, and to erect or operate mills or other machinery, or in any other manner to make use of the water for hydraulic purposes as he or they may see fit; and to sell or lease the right to use said water, or any part thereof, and in as many parts as he or they may choose, to any person or persons whatsoever, body or bodies whatsoever; he or they may also build and maintain all such wharves or buildings as he or they may deem necessary for facilities of business: *Provided*, that said dam shall not interfere with any dam now erected, or now authorized by law to be erected on said river.

Proviso.

Height of dam,  
&c.

SEC. 2. The said dam shall not exceed eight feet in height above the surface of the river aforesaid, at high water mark. In the construction of said dam the proprietors thereof shall construct a sufficient slide, and keep the same in good repair, to admit the passage of all rafts of timber or lumber down the said river, and so as to admit the passage of fish up and down the same.

Damage for  
flowing of  
lands.

SEC. 3. In the event that such dam shall cause the water to flow back on any lands not owned by said proprietor or proprietors, or by either of them, which flowing is hereby authorized, then he or they shall pay to the owner or owners thereof, such sum as such land shall be reasonably worth, irrespective of any enhancement of the value thereof by action of the erection of said dam, such value to be ascertained by the verdict of a jury in an action of trespass, and by no other mode, to be by such owner or owners brought in any court of record within said county of Green.

SEC. 4. This act is declared a public act, and shall take effect immediately.

Approved, March 8, 1854.

**Chap. 112** An Act to lay out a State Road from Gill's Landing, on the Wolf River, to the City of Oshkosh.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Commission-  
ers.

SECTION 1. That Walter A. Weed, S. R. Hopkins and John Gill, be and are hereby appointed commissioners to lay out and establish a state road, commencing at Gill's

Landing, on the Wolf river, in Waupacca county, to the city of Oshkosh, in Winnebago county.

SEC. 2. The commissioners shall be entitled to such compensation for their services from the county which said road passes, as the supervisors of said county shall deem just: *Provided*, the state shall be to no expense for the same. Compensation to commissioners.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 8, 1854.

An Act to amend an act, entitled, "An act to incorporate the City of Watertown." Chap. 113

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The city council of the city of Watertown shall have power to fill all vacancies that may happen in any of the offices of said city. Council shall have power to fill vacancies.

SEC. 2. The aldermen elected on the first Tuesday of April next, in said city, shall meet in the city clerk's office, and the aldermen of each ward shall draw lots together for the purpose of determining their respective terms of office, one of said aldermen to hold for one year, the other to hold for two years. The city clerk shall conduct such drawing, and annually thereafter there shall be elected in each ward of said city, one alderman, who shall hold his office for two years.

SEC. 3. In all causes in the municipal court of said city, wherein a jury shall be called to try the same, each juror, upon being sworn, shall receive fifty cents, to be paid by the party demanding such jury, which shall be taxed against the losing party, and nothing shall be paid out of the city treasury for jurors' services. Shall draw lots Pay of jurors.

SEC. 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed. This act shall take effect and be in force from and after its passage.

Approved, March 8, 1854.

**Chap. 114** An Act to vacate an Alley, in Block 169 and Block 184, in the town plat of Fort Winnebago.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the alley in block No. 169 and block 184, in the town plat of Fort Winnebago, in the county of Columbia, is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 8, 1854.

**Chap. 115** An Act to authorize Benjamin Single to keep and maintain a Boom.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Benjamin Single, his heirs and assigns, are hereby authorized and empowered to keep and maintain a boom across Little Rib river, in section 29, township 29 north, range seven east, in Marathon county.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 8, 1854.

**Chap. 116** An Act to incorporate the Dannaan Monument Association.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. Eliphalet Cramer, J. W. Vail, Herbert Reed, Wm. H. Byron, Samuel McCracken, Allen W. Hatch, James Seville and Silas Chapman, and their successors, are hereby constituted and declared a body politic and corporate, with perpetual succession, by the name and title of the Dannaan Monument Association of the city of Milwaukee, by which name they and their successors shall be ever known, and in which shall be capable in law of suing, and being sued; pleading, and being impleaded; answering, and being answered unto; defending, and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and cases whatsoever.

Powers of association.

SEC. 2. Said association, in their corporate name, shall have power to make and use a common seal, and may alter the same at pleasure; and in case of a vacancy in the

number of the members of said association by death, removal from the city in which the said corporation is located, or by resignation, such vacancy shall be filled by the remaining members of the association; and on all subjects or questions, within the province of this association, a plurality of votes of the members of the association, present at any duly notified meeting, shall control the action and decisions of said association.

SEC. 3. Said association shall have power to acquire, <sup>May hold</sup> purchase, receive, possess and hold real estate <sup>not exceed-</sup> property. ing one acre, and the ground so acquired by said association shall forever after be held by said association for the purpose of erecting and maintaining thereon a monument or other testimonial to the memory of Emanuel Dammann.

SEC. 4. Said association is hereby authorized to receive <sup>May receive</sup> subscriptions and donations in money and materials, <sup>subscriptions and donations</sup> and to construct therewith a monument or other testimonial mentioned in the last preceding section of this act; and the ground and property held by said association for the purposes named herein, shall be exempt from all taxes.

SEC. 5. The officers of said association shall consist of a <sup>Officers.</sup> president, secretary and treasurer, who shall be elected by the members from their own number; and shall hold their respective offices till removed by a vote of a majority of the whole number of the members of said association, present at any regular meeting thereof; and the officers and members of said association shall be governed by such rules, by-laws and regulations as may be adopted by a majority of the members, the same not being inconsistent with the constitution and laws of this state.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, March 8, 1854.

An Act to lay out and establish a certain State Road.

*The people of the State of Wisconsin, represented in Chap. 117 Senate and Assembly, do enact as follows:*

SECTION 1. That Edward H. Janssen, Herman G. O. Kemper, and Frederick Kilgen, are hereby appointed commissioners to lay out a state road, commencing on the shore of Lake Michigan, at or near the town line between towns nine and ten, of range twenty-two east, to such a point on the Milwaukee and Fond du Lac plank road as they may designate in their survey.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 8, 1854.

**Chap. 118** An Act to vacate the plat of the Village of Arena, and to re-plat the same.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The plat of the village of Arena, in section 9, town 8 north, of range five (5) east, in the county of Iowa, state of Wisconsin, is hereby vacated.

SEC. 2. William Henry Brisbane, M. D., and P. L. Mohr, are authorized to have the said village of Arena replatted, and to change the roads passing in and through the same, so as to conform them to the streets that may be laid out therein.

SEC. 3. Nothing in this act shall effect the rights of property of any person or persons who have already purchased any lot or lots in said village of Arena.

SEC. 4. This act shall go into effect from and after its passage.

Approved, March 8, 1854.

**Chap. 119** An Act to incorporate the Warren Academy.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. Marcus Warren, Edmund Redstorf, John B. Woodruff, Curtis Bates, Simeon Dean, Charles O. Baxter and Cyrus Leland, and their associates and successors, are hereby declared and constituted a body corporate, by the name and style of the Warren Academy, to be located in Sauk city, in the county of Sauk, Wisconsin, for the purpose of educating youth of both sexes.

Powers of corporation.

SEC. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; it shall have a common seal, and may alter and renew the same at pleasure; shall have power to acquire, purchase, receive, possess, hold and enjoy property both real and personal; and to sell, convey, rent, or otherwise lawfully dispose of the same at pleasure.

Shares of stock

SEC. 3. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal

property, and shall be transferable on the books of the corporation, in such manner as it shall be prescribed in its by-laws.

SEC. 4. The business matters of said corporation shall be managed by a board of seven trustees, a majority of whom shall constitute a quorum for the transaction of business. Business managed by trustees.

SEC. 5. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days' notice thereof, by posting up notices in at least three public places in the said Sauk city. Meetings.

SEC. 6. At the first legal meeting, the stockholders shall have power to elect by ballot seven trustees, who shall be stockholders in said company, to hold their offices for a term of one year, and until their successors are elected; each stockholder shall be entitled to one vote for every share by him owned; and the election of trustees shall be annual, at such time and place as said stockholders shall designate at their first meeting, until otherwise altered by said corporation. Election of trustees.

SEC. 7. The trustees shall have power to elect a president, secretary and treasurer from their number, and to fill vacancies in the board of trustees; to sell, loan, mortgage or otherwise dispose of, any real or personal property of said corporation, in such manner as they shall deem most conducive to the interest of said academy; to provide necessary buildings for the use of the same; to prescribe and direct the course of study and discipline to be observed in said academy; and to make all rules, regulations and by-laws necessary to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state. Powers of trustees.

Approved, March 8, 1854.

An Act in relation to the support of the County Poor in the County of Sheboygan.

Chap. 120

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of county supervisors of the county of Sheboygan are hereby authorized, for the purpose of supporting the county poor of said county, to hire or purchase a suitable farm, with or without buildings thereon, and the necessary stock and implements, for the management of the same, to which farm the county poor of said county may be removed; and said board of supervisors Supervisors may purchase farm and make all needful regulations.

may make all needful rules and regulations for managing the said farm, and may levy, in addition to the ordinary county tax, such amount as may be required for the purposes above mentioned.

SEC. 2. The distinction between town and county poor, shall continue as heretofore, notwithstanding the provisions of this act.

SEC. 3. This act shall be printed immediately after its passage, and when printed shall take effect and be in force.

Approved, March 8, -1854.

**Chap. 121** An Act to amend an act entitled "an act to incorporate the La Crosse and Milwaukee Railroad Company," approved April 2, 1852.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

may consoli-  
data.

SECTION 1. The act entitled "an act to incorporate the La Crosse and Milwaukee railroad company," is hereby amended so as to authorize, and this act does hereby authorize, the said La Crosse and Milwaukee railroad company to consolidate its capital stock with the Milwaukee, Fond du Lac and Green Bay railroad company, upon such terms and conditions as has been, or may be agreed upon by and between the boards of directors of the said companies, and the corporate name of said La Crosse and Milwaukee railroad company shall continue, and be the corporate name of said company after consolidation with said Milwaukee, Fond du Lac and Green Bay railroad company, in manner aforesaid.

Rights and  
privileges.

SEC. 2. Upon such consolidation being made, all the rights and privileges, grants, franchises and immunities conferred by the charters of the respective companies, and by the acts amendatory thereto, are hereby declared to be merged in and conferred upon said consolidated company; and the capital stock thereof is hereby declared to be the aggregate of the capital stock of both the companies so consolidated, and all the property and estate, real, personal and mixed, the lands and tenements, the rights, credits, monies and effects of each of said companies, so consolidated, shall become and be the property of such consolidated company, under the corporate name aforesaid, to all intents and purposes, without any further act whatsoever; and such consolidated company shall have the same right, power and authority, in the corporate name aforesaid, to demand and receive, sue for and recover, use, occupy,



possess and enjoy, give, grant, bargain and sell, assign, release and convey, any and all such real estate, property and effects of each of the companies, so consolidated, as either of said companies had or might have had before such act of consolidation: *Provided, however,* That this act shall not confer upon said consolidated company any other or greater power to consolidate with any other railroad company or companies, than was conferred upon said Crosse and Milwaukee railroad company by its original act of incorporation. Provide.

SEC. 3. If said two companies have or shall agree so to consolidate as aforesaid, any and all persons, who may have subscribed to the capital stock of the Milwaukee, Fond du Lac and Green Bay railroad company, and who reside north of the point known as the junction, may at any time after such consolidation give notice to any officer of the consolidation company, that he desires to withdraw his subscription to the stock aforesaid, and the subscription shall be immediately thereupon cancelled and discharged; and the said consolidated company shall be liable to, and within thirty days after such notice, shall pay to such individuals all money paid by them on account of such subscriptions aforesaid, with interest thereon, from the date of a payment thereof to said company; and in all cases, when any individual, or individuals, who reside north of the junction, may have executed or delivered a mortgage, mortgages, or any other securities in payment for stock said Milwaukee, Fond du Lac and Green Bay railroad company, or to aid in the construction thereof, said consolidated company shall, within ninety days after notice as aforesaid, that they desire to withdraw their subscription, deliver up to them, or their legal representatives, and cause to be cancelled of record, at the cost and expense of said consolidated company, all such mortgages or other securities; and in case any such mortgage, or other security, shall have passed out of the hands of said railroad company; and said consolidated company shall not within the ninety days aforesaid be able to procure the same to be delivered and cancelled as aforesaid, said consolidated company shall be liable to pay, and shall immediately pay to each and every person, whose mortgage, or other security aforesaid, shall not be delivered up and cancelled, the full amount of the sum for which the same was given, and interest at the rate mentioned therein; and shall also be liable for, and pay to such persons all damages, costs and Stockholders  
may withdraw  
Companies.

expenses that may accrue on the same, till the said mortgages and other securities are given up and cancelled.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 9, 1854.

## Chap. 122

An Act concerning the Circuit Court of Bad Ax County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The spring term of the circuit court of Bad Ax county, for the year of our Lord one thousand eight hundred and fifty-four, shall be holden on the second Monday in the month of May, instead of the second Monday of March, as now provided by law, and all writs, process, indictments, appeals, recognizances, and other proceedings whatsoever, made returnable to said March term of said court, and all adjournments, appearances, continuances, motions, and notice of any proceedings in the circuit court of the county of Bad Ax, made or taken to the said March term, shall be held to be taken to the May term aforesaid.

SEC. 2. This act shall be printed by the state printer immediately after the passage thereof, and when so printed shall take effect and be in full force.

Approved, March 9, 1854.

## Chap. 123

An Act to authorize John C. Lewis and his associates, to construct a Canal from Wolf River, to a point on Lake Poygan.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Power of company.

SECTION 1. That John C. Lewis, and his associates, and his and their assigns, are hereby authorized and empowered to excavate, make, keep up and maintain an artificial channel or canal, from a point on Wolf River, about five miles above where said river empties into Lake Poygan, which said canal shall be at least 60 feet in width, on the surface, and shall be of sufficient depth to pass vessels and boats drawing three feet of water: *Provided*, that said canal shall in no manner interfere with the navigation of the natural channel of said river, and *provided further*, that said canal shall be commenced within two years, and be completed in five years from the passage of this act.

Proviso.

SEC. 2. That for the purpose aforesaid, the said John C. Lewis, and his associates, and his or their assigns, are hereby allowed and empowered to enter upon and use the right of way across said lands, under the provisions of this act: *Provided*, that no more of said land than shall be necessary for the purposes aforesaid, shall be occupied by said party or parties for the purposes aforesaid: *Provided*, further, that the said party or parties shall, before entering upon the lands of individuals for the purpose of commencing said excavation and improvement, make such compensation to such individuals as shall be agreed upon by the parties in interest: and *provided further*, that if the said parties in interest shall not agree upon the amount of such compensation, then it shall be lawful for either said party or parties hereby authorized to construct said canal, or any individual upon whose land said party or parties may find it necessary to enter, to apply to the circuit court of the proper county, which said court on being satisfied that three days' previous notice has been given by said applicant to the opposite party of such application, said court shall appoint three disinterested freeholders commissioners, who shall, in view of the premises, and otherwise, assess the damages accruing to said owner or owners, in consideration of the said entering upon and using the right of way over and upon said lands, and in consequence of the erection of the said works and improvements, the amount of which said assessment shall be paid or tendered to be paid before entry shall be made upon said lands for the purposes aforesaid.

SEC. 3. That so soon as the said channel or canal shall be completed and ready for use, the said John C. Lewis, and his associates, and his or their assigns, shall have the right to demand, receive, sue for and recover of any person or persons, floating any raft or rafts of lumber, timber, saw logs, boat or boats, scow, shingles, or any kind of water craft, through or into said canal, such reasonable toll or tolls as the said John C. Lewis, and his associates, or his and their assigns, may establish: *Provided*, that the said John C. Lewis, his associates and his and their assigns, shall not exact any toll or tolls, on any boat or boats, or any vessel or vessels, passing into or through said canal, when the tonnage of the same shall not exceed five tons.

SEC. 4. This act shall have effect and be in force from and after its passage.

Approved, March 8, 1854.

**Chap. 124** An Act to authorize the County of Sheboygan, and the several towns in said County, to aid in the construction of a Railroad.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Commission-  
ers.**

SECTION 1. Billy Williams, Louis Curtis, David Giddings, Julius Wolff and Robert H. Hotchkiss, are hereby appointed a board of commissioners, for the purpose of aiding in the construction of a railroad, authorized to be made from the city of Sheboygan, westwardly by the way of Fond du Lac to the Mississippi river.

**Officers.**

SEC. 2. Said commissioners shall, previous to the transaction of any other business, elect one of their number president, and one treasurer, and shall also appoint a secretary. The president, when present, shall preside at all the meetings of the board for the transaction of business, and the secretary shall keep the record of all doings of said board. All meetings of said commissioners shall be at Sheboygan, at such time and place as shall be designated by a majority of them.

**Commission-  
ers authorized  
to borrow mo-  
ney.**

SEC. 3. The said commissioners are hereby authorized to borrow one hundred thousand dollars, upon the credit of the county of Sheboygan, for twenty years or less, in such sums as they may deem proper, at a rate of interest not exceeding seven per cent. per annum, payable annually in the city of New York, for the purpose of investing the same in the capital stock of a railroad company, authorized to construct a railroad from Sheboygan, westwardly by the way of Fond du Lac to the Mississippi river, and to issue therefor the bonds of the county of Sheboygan, as hereafter mentioned; and in case the said money or any part thereof shall not be so borrowed, to subscribe for so many shares of said capital stock of said railroad company, that the amount of the same at their par value, shall be equal to one hundred thousand dollars, and to pay for the same in the bonds of said county, payable as above specified. In lieu of investing the said sum, or any part thereof, in the capital stock of said railroad company, the said board of commissioners are hereby authorized to loan the credit of the said county to the said company, to the amount of one hundred thousand dollars, for a length of time not exceeding twenty years, and at a rate of interest not exceeding seven per cent. per annum, and to receive the convertible bonds of said company, to secure the said county, and such other security as shall be agreed upon and approved by the said board of commissioners.

**May loan cre-  
dit of company**

SEC. 4. The shares of stock in said railroad company, or **Stock pledged.** the bonds and other securities of said company thus taken by said county, and all dividends and interest arising from the same, are hereby pledged for the payment of the principal and interest of said county bonds: *Provided, however,* That the board of commissioners may sell such shares of stock, or such bonds and other securities of said company; but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said county bonds.

SEC. 5. The board of supervisors of the county of She **Supervisors** boygan, shall annually levy a tax upon all taxable proper- **shall levy tax.** ty of said county sufficient to pay the interest upon such bonds, after deducting the dividends received by said county on said shares of stock, or the interest on said bonds of said company, and in any year, when the said bonds shall become due, the board of supervisors of said county shall levy a tax, as aforesaid, sufficient to pay said bonds so becoming due, after deducting any and all sums received by said county on the sale of shares of stock, or of the bonds of said company, or dividends not exceeding in the payment of interest.

SEC. 6. The said board of commissioners shall annually **Railroad com-** appoint one railroad commissioner, who shall attend the **missioner.** annual or special meetings of the stockholders of said railroad company for the election of directors thereof, or for the transaction of other business, and shall be entitled to cast one vote for every share of stock which said county shall hold in said railroad company, and in case of his absence or inability to attend, to appoint, in writing, under their hands, some other person who shall have the same power.

SEC. 7. No bonds shall be issued in pursuance of the provisions of this act, nor shall the credit of the county be **Vote to be taken as to issuing bonds.** loaned to said railroad company, until a majority of the legal voters of said county, voting upon said question, shall vote in favor of the same, at an election called by the clerk of the board of supervisors or the sheriff of said county for that purpose. At such election those voting in favor shall vote a ballot with the words inscribed thereon—"For the Railroad;" and those voting against shall vote a ballot with **Form of ballot** the words inscribed thereon—"Against the Railroad." The clerk of said board of supervisors, or the sheriff of said county, shall give at least three weeks notice of the time and place of holding said election, by publishing the same in two or more newspapers printed and published in said county; and this act shall be published in connection with

such notice. Said election shall be conducted and the returns thereof made and canvassed in the same manner as an election for county officers in said county.

Clerk to keep  
a record of all  
bonds.

SEC. 8. The said bonds shall be signed before issued by the president and secretary of said board of commissioners, and countersigned by the clerk of the board of supervisors or treasurer of said county, who shall keep a correct register of all bonds so countersigned by him. The said bonds, when signed and countersigned as aforesaid, shall be in the hands of any bona fide holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of said county of Sheboygan according to the tenor and effect of said bonds: *Provided*, That no bonds shall be issued except by order of a majority of said commissioners, at a meeting of said board, which order shall be entered upon the records of their proceedings.

Proviso.

Contracts.

SEC. 9. All contracts entered into by said commissioners shall be made in the name of the Sheboygan county railroad commissioners, shall be signed by the president and secretary, with the consent of the board; and all contracts shall be made by a vote of a majority of said board, or by some person duly authorized by a vote of a majority of said board, at a meeting of the same.

Commission-  
ers to render  
annual state-  
ment.

SEC. 10. It shall be the duty of said board of commissioners, on or before the first Tuesday of October in each year, to render a specific statement of their doings to the board of supervisors of said county of Sheboygan, verified by the oath of the president of said board; and said statement shall also show the sum of money that will become due for interest or principal, or both, upon the bonds of said county issued by them as aforesaid for the ensuing year, and the place where the same is payable and what sum of money so to become due will be required to be raised by a tax upon the taxable property of said county.

In case of va-  
cancy.

SEC. 11. Whenever any vacancy shall occur in said board of commissioners, by resignation, death, or removal from said county of Sheboygan of any of said commissioners, it shall be filled by an election of the remainder of said board, by some freeholder of said county; and a majority of said commissioners shall constitute a board for the transaction of any business authorized to be done by said board.

Notice of elec-  
tion.

SEC. 12. It shall be the duty of the clerk of the board of supervisors, or sheriff of said county, to give immediate notice of the election, in accordance with the provisions of section seven of this act, whenever a petition signed by

one hundred freeholders of said county, shall be presented to either the said clerk, or sheriff, asking for the same.

SEC. 13. The board of supervisors of any town in said county of Sheboygan, are hereby authorized to subscribe for their respective towns, any sum of money not exceeding in any town the sum of twenty-five thousand dollars to the capital stock of the Sheboygan and Mississippi railroad company, and pay for the same in the bonds of said towns respectively, payable within twenty years, with interest, payable annually at the city of New York, at a rate not exceeding seven per cent. per annum. Towns may subscribe stock.

SEC. 14. The shares of stock in such railroad company thus taken by said towns, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds: *Provided*, however, that the board of supervisors of said towns may sell such shares; but the proceeds thereof, and interest, shall still be pledged to pay the interest and principal of said bonds. Payment of bonds.

SEC. 15. The board of supervisors of said towns, when the same shall become necessary, shall annually levy a tax upon the taxable property of said towns, sufficient to pay the interest upon such bonds, after deducting the dividends due to such towns on said shares of stock; and in any year when said bonds, or any part thereof, shall become due, said board of supervisors shall levy a tax as aforesaid, sufficient to pay said bonds so becoming due, after deducting any and all sums received by said board on the sale of the shares of the stock of said company, or dividends, not expended in the payment of interest. Supervisors of towns shall levy tax.

SEC. 16. The board of supervisors of each of said towns may annually appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of such railroad company, for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which said town shall hold in such railroad company; and in case of the absence of such commissioner, or inability to attend, to appoint in writing, under their hands, some other person who shall have the same power. Towns railroad commissioner.

SEC. 17. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said towns voting upon said question, shall vote in favor of the same, at an election called by the said board of supervisors for that purpose, to be held at the usual place of holding elections in said town. At such election, those voting in favor shall vote a ballot with the words inscribed Towns to vote on the question of loaning credit.

**Form of ballot.** thereon—"For the Railroad;" and those voting against it, shall vote a ballot with the words inscribed thereon—"Against the Railroad;" one week's previous notice of said election shall be given either in a newspaper published in said towns, or by notice posted in three public places in said town respectively; said election shall be conducted, and the returns thereof made and canvassed, in the same manner as at the annual town meeting of said towns.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved, March 9, 1854.

## Chap. 125

An Act to incorporate the City of Portage.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**When declared a municipal corporation.**

SECTION 1. From and after the first Tuesday in April next, all that district of country included within the limits and boundaries hereinafter described, shall be a city, of the name of the city of Portage, and the people inhabiting said district shall be a municipal corporation, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession. Shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

**Boundaries of city.**

SEC. 2. The said city shall contain within its limits the following territory, to wit: All that portion of the west fractional half of section number four (4,) which lies south and west of the Fox River, sections number five (5) and six (6); all that portion of section number seven (7) and eight (8,) which lie north of the Wisconsin River, the west fractional half of section number nine (9,) and claim number twenty-one (21,) known as the claim of A. Greignon, in township number twelve (12,) north of range number nine (9,) east, in county of Columbia, and State of Wisconsin.

**Wards.**

SEC. 3. The said city shall be divided into three (3) wards, the boundaries of which for the present, and until changed as hereinafter provided, shall be as follows, to wit: All that part lying south and east of the canal con-



necting the Fox and Wisconsin Rivers, shall constitute the first ward, and all that part lying north of said canal, and east of Dewitt street, and the road leading from the same to the north line of said town twelve (12,) shall constitute the second (2d) ward, and all that part lying north of said canal, and west of Dewitt street and said roads, shall constitute the third (3d) ward; but the common council shall have power to change said lines of division as they may deem convenient and proper.

SEC. 4. The government of said city, and the exercise of Government its corporate powers, and management of its fiscal, prudential and municipal concerns, shall be vested in a mayor and common council, and such other officers as shall be hereinafter provided for. The said common council shall consist of six (6) aldermen, two (2) from each ward, and who are actually residing therein, and shall be denominated the common council.

SEC. 5. On the first Tuesday of April next, and annually Elections. thereafter, on the day fixed by law for the election of town officers in the several towns in this State, there shall be elected in and for said city, one mayor, who shall be a supervisor, to represent said city, in the board of supervisors of said county of Columbia, in the same manner and with like power as the several towns are represented; one marshal, one clerk, one superintendent of schools, one treasurer and one assessor, by general ticket, and at the same time, in each of said wards by the electors thereof, one constable, who shall hold his office for one year, and until his successor is elected and qualified, and also two aldermen who shall each hold their office for one year, and until their successors are elected and qualified. There shall also be elected by the electors of each ward at the time and place for electing other city officers, and every two years thereafter, one justice of the peace in each ward, who shall hold his office for two years, and until his successor is elected and qualified, the same as justices of the peace elected under the provisions of the revised statutes. Said justice of the peace shall have like civil and criminal jurisdiction within the limits of said city, and also within the county in which they may be elected as justice of the peace, in the several towns, and shall also have original jurisdiction of all complaints and actions for violation of city ordinances in which the penalty shall not exceed one hundred dollars.

SEC. 6. The first election of city officers under this act Manner of shall be holden at such places in each ward, as the super-elections.

visors of the town of Portage City may appoint. The electors present at each of said places of holding the election, shall choose three electors of the respective wards, inspectors of the election, who shall perform all the duties, and be governed by like rules and regulations as are prescribed for inspectors of town elections. And annually thereafter, the aldermen of the respective wards, and some person to be selected by them, shall perform the duties of inspectors of the election, and in case of the absence or inability to serve of either or both of the aldermen in any ward, the mayor shall appoint some proper person or persons to act as such inspectors. The said inspectors in each ward, shall within five days thereafter, make a full and faithful return of all the votes cast at the election, and file the same in the office of the city clerk.

**Qualification  
for office.**

**Officers to give  
bonds, &c.**

SEC. 7. The mayor and aldermen must be freeholders within the city limits, and each of the aldermen must reside within the ward for which they were elected; and all other officers elected by virtue of this act must be residents of the ward for which they were elected; and no person shall hold any office either by election or appointment, unless he is a qualified elector agreeable to the laws of this state. The city treasurer, before entering on the duties of his office, shall execute to the city council a bond, in such penal sum as said council may require, with two or more sureties to be by them approved, for the safe-keeping and disbursement of all moneys coming into his hands as such treasurer, and also for the faithful performance of his official duties; and each justice of the peace, superintendent and constable elected by virtue hereof, before entering upon the duties of their office, shall execute such bonds as are prescribed by law for said officers in towns, which bonds shall also be approved by said council; and the marshal elected by virtue hereof, shall also be required to give bonds with such sureties and in such sum as said council shall determine; and all officers elected or appointed by virtue hereof, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Wisconsin, and faithfully to perform the duties of their respective offices, which oath or affirmation, together with all official bonds shall be filed in the clerk's office, except those of justices of the peace, which shall be filed in the office of the clerk of the court of the county of Columbia.

**Duty of mayor**

SEC. 8. The mayor shall be the chief executive officer, and head of the police of the city. It shall be his duty to

recommend, in writing, to the city council, such measures as he may deem expedient. He shall keep the seal of said city, sign all commissions, licences and permits which may be granted by the city council; he shall endeavor to maintain peace and good order, and see that the laws of the state and ordinances of the city are observed and executed; he shall have the power to administer oaths or affirmations and to take and certify acknowledgments of deeds and other instruments in writing as a judicial officer. He shall have power, and by giving the bonds required by law, may exercise the jurisdiction of justice of the peace; and to prevent or suppress riot or other public disturbances, he may appoint as many special constables as he may deem proper.

SEC. 9. The members of the city council shall, on the first Monday after their election, or as soon thereafter as may be practicable, assemble and elect from their own body a president, to preside in their meetings in the absence of the mayor; and a majority of all the members shall be a quorum for the transaction of any business; each member shall be entitled to one vote, and the mayor shall preside at all meetings, if present, and shall have a casting vote, and no other. In case of a vacancy in the office of mayor or of his being unable to perform the duties of his office by temporary absence or sickness, the president of the city council shall be vested with all the powers and perform all the duties of the mayor, until the mayor shall resume his office, or the vacancy be filled by a new election. Vacancy, &c.

SEC. 10. The city council shall have power to preserve order and propriety in its proceedings, and to punish in a summary manner, by fine and imprisonment, all disorderly or disrespectful conduct in its presence, and also to compel, by pecuniary penalties, the attendance of its members. They shall determine the rules of their proceedings and keep a journal thereof, which shall be open to the inspection of any citizen at all reasonable times and hours, and prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public. Powers of council.

SEC. 11. The mayor or each and every alderman, marshal, deputy marshal, each and every justice and constable of said city, shall be officers of the peace, and suppress, in a summary manner, all riotous and disorderly behavior in a manner consistent with the ordinances of said city, or the laws of this State, within the limits of said city; and for such purposes may command the assistance of all bystanders, and if need be all citizens and military companies; and In case of riots.

if any such bystanders, military officers or private of such company shall refuse to aid in maintaining the peace when so required, such person shall forfeit and pay such fine as may be prescribed by ordinance of the city council or the laws of the state in such case made and provided.

**Powers of  
marshal.**

SEC. 12. The marshal shall possess all the powers of a constable of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor, and when necessary in criminal cases or for the violation of any ordinance of said city, or laws of this State, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breach of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city, or laws of this state, and forthwith bring said person before competent authority for examination, and for such service he shall receive such fees as are allowed to constables for like services. He shall do and perform all such duties as may lawfully be enjoined upon him by the ordinance of said city. He shall have the power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible; and of whom he may require a bond for the faithful discharge of their duties.

**Justices.**

SEC. 13. All the justices of the peace and constables, elected by virtue of this act, shall have and exercise the same powers and duties, and be subject to the same liabilities and regulations as justices and constables of towns.

**Superintendent  
of schools.**

SEC. 14. The superintendent of schools shall have and exercise the same powers and duties, and be subject to the same liabilities as the superintendent of schools in towns, except as herein otherwise provided.

**Duty of clerk.**

SEC. 15. The clerk shall attend the meetings of the city council and keep a record of their proceedings; and also a faithful record of all the doings and rates of the inhabitants at their regular or special meetings. He shall perform such duties as may be lawfully required of him by the city council, who shall fix and prescribe his compensation therefor. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed shall be as valid and legal as if the same had been filed in the town clerk's office of any town. It shall also be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act; and in case of the absence

the clerk, or of his inability to act, the common council may appoint a clerk to act during such absence or inability, who shall be subject to all the regulations applicable to the elected clerk. The records kept by said clerk shall be evidence in all legal proceedings; and copies of all papers filed in his office, and transcripts from the records of the proceedings of the common council certified by him under the corporate seal, shall be evidence in all courts and places.

SEC. 16. The treasurer of said city shall perform such duties and exercise such powers, as may be lawfully required of him by the ordinances of said city or the laws of his state. All monies raised, received, recorded or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom, except by an order signed by the mayor or acting mayor, by order of the common council, and countersigned or attested by the clerk. He shall keep an accurate account of all monies or other things coming into his hands, as treasurer, in a book, to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the persons from whom the amount of the several sums were received, which book shall at all reasonable hours be open to the inspection of any person having business therewith. He shall, as often as the common council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be the collector of taxes, and for his service, except herein otherwise provided, he shall have the same powers and be subject to the same liabilities, be governed by the laws and receive the same compensation as treasurers of towns.

SEC. 17. The common council shall have power to enact, establish, publish, alter, modify, amend or repeal, and enforce all such rules, by-laws and ordinances for the government and good order of the city, for the suppression of vice, for the prevention of crime, for the promotion of wealth, and for the benefit of trade and commerce, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate the provisions of such rules, by-laws, or ordinances, which have been duly passed, adopted and published, in one

Duty of treasurer.

Council may enact and enforce ordinances.

or more of the papers printed in said city, for three successive weeks prior to the taking effect thereof, and all such rules, by-laws, and ordinances are hereby declared to be, and have the full force of laws: *Provided*, that they be not repugnant to the constitution and laws of the United States and of this State; and for these purposes they shall have authority by ordinances or by-laws.

**Licenses.**

1st. To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous and intoxicating liquors. And to license and regulate the exhibition of common showmen, or showmen of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, and to establish the price to be paid in all cases, except when they may be fixed by law.

**Gaming.**

2d. To restrain and prohibit all description of gaming and fraudulent devices and practices, and all playing with cards, dice, or other games of chance, for the purpose of gain, within said city.

**Riot.**

3d. To prevent any riots, noise, disturbance, or disorderly assemblage, to suppress and restrain disorderly houses or groceries, and houses of ill-fame; and to authorize the destruction of all implements or devices used for the purpose of gaming.

**Abate nuisances.**

4th. To compel the owners or occupants of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, privy, sewer, or other unwholesome or noxious place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort or convenience of the inhabitants of the city.

**Markets, &c.**

5th. To direct the location and management of all slaughter houses and markets, to regulate the storage and keeping of gunpowder, and other combustible materials.

**Streets.**

6th. To prevent the encumbering of the streets, side and cross walks, lanes, alleys, or public grounds, with carriages, carts, sleighs, sleds, boxes, barrels, lumber, firewood, or other materials or substances whatever.

**Horse racing.**

7th. To prevent horse-racing, or immoderate driving or riding in the streets, and to regulate the place of bathing and swimming in the waters within the city limits.

**Running at large of cattle, &c.**

8th. To restrain the running at large of cattle, swine, sheep, horses and poultry, and to authorize the distraining and sale of the same.

9th. To prevent the running at large of dogs, and to authorize their destruction in a summary manner, when at large, contrary to the ordinances, or to impose a tax on the same

10th. To prevent any person burying, depositing, or Burying dead having within said city any putrid carcass, or unwholesome carcasses, &c. substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To make and establish public pounds, pumps, wells, Pumps, wells, fountains, cisterns, reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants of said city, or any ward therein; to erect lamps, and to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and carmen, within the limits of said city. &c.

12th. To establish and regulate boards of health, Board of provide hospitals and cemeteries, and regulate the burial of health. the dead, and the return of bills of mortality.

13th. To procure fire engines, buckets, hooks and Fires. ladders, and other instruments for suppressing fires, to prescribe and regulate the materials of which houses may be built within certain limits, and the manner of erecting chimneys, and to provide for removing chimneys or stove-pipes which may be deemed dangerous, at the expense of the owners of buildings, to provide and keep suitable ladders and fire-buckets, which are hereby declared to be exempt from seizure, or distress, or sale, in any manner; to direct a safe construction for the deposit of ashes; to appoint fire-wardens, and prescribe their duties and compensation, and generally to make such prudential regulations as may be deemed necessary for the prevention or arresting the progress and extinguishment of fires.

14th. To regulate the building of wharves and bridges, Wharves and bridges. and to provide for the security and protection of the same.

15th. To prevent all persons from riding or driving any horse or other animal, or leading the same on the side Riding on side walks of said city, or in any way doing any damage to walks. such side-walks.

16th. To prevent the shooting of fire arms or crackers, or Fire-arms. the exhibition of fire-works in every situation which may be considered by the city council to be dangerous to the property in said city, or annoying to the inhabitants thereof.

17th. To restrain drunkards, immoderate drinking, or Drunkards. obscenity in the streets or public places, and to provide for arresting, removing, and punishing such person or persons who may be guilty of the same.

- Police.** 18th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, and punish their delinquencies.
- Market.** 19th. To regulate the place and manner of weighing hay, of measuring and selling fire-wood, lumber, timber, stone, lime and sand, and when necessary, to appoint suitable persons to superintend or inspect the same.
- Rubbish, &c.** 20th. To compel the owners or occupants of any build-  
**on side-walks.** ings to remove the snow, dirt, or other rubbish, from any side-walk opposite thereto.
- Protect trees, &c.** 21st. To protect trees and monuments in said city.
- Dead carcasses** 22d. To prevent all persons from depositing in any of the rivers, canal or water within said city, the carcasses of any animals or filth of any kind, and to punish for so doing.
- Sewers, &c.** 23d. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers within said city.
- Compensation of certain officers.** 24th. To prescribe the duties and regulate the compensation of all officers, not otherwise provided for, except their own.
- Streets.** 25th. To open, keep in repair any highways, streets, lanes, alleys and side walks and bridges, and to keep them from incumbrances and to protect them from injury.
- Lots to be platted.** 26th. To cause all out and in lots within said city, of less size than ten acres each, that have not been platted and recorded by the owners thereof, as required by law, to be platted and recorded by authority of their board, and to tax the charges for said service against the lot or lots so platted and recorded, to be collected the same as other corporation or general taxes.
- Seal.** 27th. To have a common seal, and alter the same at pleasure.
- Hold property.** 28th. To purchase, hold or convey any estate, real or personal, for the use of the corporation.
- Overseers of poor.** 29th. They shall be the overseers of the poor within said city, and shall have the same powers, and perform the same duties in relation thereto, as overseers of the poor, in the several towns of this state.
- Marshal.** 30th. They shall have power to appoint a marshal, if a vacancy should occur at any time in said office.
- Meetings of council, &c.** SEC. 18. The common council shall meet statedly at such time and place as they, by resolution, may direct; and the mayor may call special meetings by notice to each of the members to be served personally, or left at their usual place of abode. The style of all their ordinances shall be, "The



mayor and common council of the city of Portage do ordain as follows." The common council shall determine the rules of their own proceedings, and shall have power to compel the attendance of absent members. All ordinances and other acts of public importance of the common council shall be signed by the mayor, and published at least three weeks, in one or more newspapers, printed in said city, before they shall take effect; and the affidavit of the printer of the publication of any by-laws or ordinances, or the affidavit of the clerk of the posting up of any notice required by law, shall be sufficient proof in all courts and elsewhere, that such ordinances or by-laws were properly posted up, as the case may be.

SEC. 19. No person shall be an incompetent judge; justice, juror, or witness, by reason of his being an inhabitant or freeholder within the city of Portage, in any action in which the city is a party, or interested. *Judges, jurors, &c.*

SEC. 20. On all suits for the violation of any ordinance of said city, the process may be by warrant; and it shall be sufficient without setting forth the special matter to declare generally in debt, without reference to the ordinance under which the action is brought. The defendant may plead the general issue and give the special matter in evidence. *Process.*

SEC. 21. Every execution, issued upon any judgment for the violation or non-observance of any ordinance or by-laws of said city, may contain a clause, directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail, of the county of Columbia, for such term as shall have been provided by the ordinances under which the judgment shall have been rendered. All judgments, fines, penalties and forfeitures provided for in this act, when collected, shall be paid into the city treasury, and the city treasurer shall pay the same over to the commissioners of the school fund. In all other cases they shall be disposed of in the manner prescribed by law, relating to justices of the peace of the several towns. *Penalties, how collected.*

SEC. 22. When an action or suit shall be commenced against the city, the service thereof may be made by leaving an attested copy of the process with the clerk or mayor; and it shall be the duty of the person with whom such process is left, forthwith to inform the common council thereof, or take such other steps as may have been provided by any rule or regulation of said common council. *Suits.*

SEC. 23. The common council shall settle all just claims and demands against the city, and settle with the treasurer *Settlement of accounts.*

annually, and publish accounts of the receipts and expenditures of the city for the information of the citizens.

**Minor officers.**

SEC. 24. The common council shall have power to appoint, and at their pleasure to remove, by a vote of a majority of the board present, and acting, the following officers, and such others as may be necessary to carry out the powers conferred by this act on said municipal corporation: one chief warden of the fire department, and as many assistants as they may deem proper, and such a number of street commissioners as the council may from time to time deem expedient, and prescribe their duties, and to impose and enforce in law such penalties as to the said council may seem proper, for any malfeasance or improper conduct of any of said officers.

**Elections.**

SEC. 25. At all elections provided for by this act, the inspectors of elections shall take the oath prescribed by law for inspectors of elections, they may appoint one or more competent persons, clerks of such elections, who shall also take the oath prescribed by law. The polls shall be opened and closed, and the election conducted in all respects as required by law at town elections. At all general elections for county and state officers, and members of the assembly, the inspectors of the election in said ward shall make returns of the election in each ward to the clerk of the county board of supervisors, in the manner prescribed by law. The city clerk shall give at least fifteen days' notice of all elections provided for by this act, by posting in three public places in each ward of said city, printed or written notices containing a statement of the officers to be elected, and of the time and place of holding such election.

**Ditto.**

SEC. 26. If any election provided for in this act shall from any cause not be held at the time prescribed, it shall not be sufficient reason for arresting, suspending, or absolving the said corporation, but such election may be held at any time thereafter by the order of the city council, of which ten days' public notice shall be given, and further, if any of the duties enjoined by this act at a time herein specified by any ordinance of the city, are not then done, the city council may appoint another time at which said duties may be done: *Provided*, that the officers so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties, as he would be liable to if the said council had not the power to appoint another time.

**Vacancies.**

SEC. 27. Whenever the office of any person elected under the provisions of this act by the qualified voters of

the city, shall become vacant by reason of the death, resignation, removal, refusal, or neglect to qualify, or from any cause whatever, the same may be filled by special election, to be held at such time and place as may be designated by the mayor, or acting mayor and city council, and the person or persons so elected, shall fill the vacancy during the remainder of the term for which his predecessor was elected.

SEC. 28. The city council shall have the power to authorize the formation of fire engine, hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time, and prohibit their meetings as such, when disbanded, which companies shall be officered and governed by their own by-laws: *Provided*, such by-laws be not inconsistent with the laws of this state, or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries, and from poll tax, and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt, as aforesaid. Fire companies.  
Proviso.

SEC. 29. Upon the application in writing of two-thirds of the owners of lots or parcels of land upon any street or part of a street, the city council shall have power to cause to be graded, graveled, paved or planked, any street or part thereof, or the side walk on any street or part of a street within said city, and to levy and collect a special tax on the lots and lands bounding and abutting on such street or side walk, in proportion to the front or size of such lots respectively, for the purpose of defraying the costs of the same, in addition to the ordinary tax authorized by this act to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the city council to provide by ordinance for assessing, collection and equalization of such special tax: and the property so assessed shall be liable for the payment of the same, and in case any tax mentioned in this section shall be returned delinquent, the proceedings for the sale of the lots or lands so returned, shall in all respects be the same as in case of delinquency in the payment of the annual city taxes, with the addition of like interest, costs and penalty. Grading streets.

**Legalized  
streets.**

SEC. 30. That all streets now laid out and recorded in said city are hereby legalized, but on the application of the owner or owners, in writing, of two-thirds of the property, the said city council shall have power and authority to lay out new streets, highways, alleys and public walks, and to vacate or alter such highways, streets, alleys and public walks, as in their opinion shall not be of public utility; to regulate, grade, pave and improve streets, avenues, lanes and alleys, and to extend, open and widen the same, and notice of the passage, by the city council, of any order for laying out, vacating, changing or altering such highways, streets, alleys and walks, shall be given by publishing notice of such order in some newspaper printed within said city, immediately after the passage of the order aforesaid; and if any person shall claim damages by reason of the laying out, or vacating, changing or altering thereof, and shall file his notice of such claim in writing, with the city clerk, within thirty days after the order for laying out, vacating or altering shall have been made by the city council, the city council shall cause the damages, if any, over and above the benefit accruing thereby, to such complainant, to be assessed by a jury, as herein provided.

**Damages.**

SEC. 31. The said city council shall, at the expiration of thirty days after the making any order for the opening and laying out, extending or vacating any highway, street, alley or public walk, if a claim for damages shall have been duly filed with the clerk as aforesaid, cause to be summoned six good and lawful inhabitants of the county of Columbia, and not residents of the city of Portage or the town of Portage City, (and not directly interested,) who being first duly sworn for that purpose, shall take into consideration as well the benefits as the injury that may accrue, and estimate and assess the damages which would be sustained by reason of the laying out, opening and extending, or widening of any street, avenue, alley or public walk as aforesaid, and shall return the same within six days to the city council under their hands and seals, which shall be paid out of the city treasury of said city.

**Empannelling  
jurors.**

SEC. 32. The manner of empannelling said jurors shall be as follows: The mayor or acting mayor of the city of Portage, in behalf of said city, and the injured party, shall each write the names of twelve persons, qualified as aforesaid, on separate pieces of paper, all of which shall be placed in a box, and the said mayor, or acting mayor, and the injured party, shall each draw alternately three names,

and the six persons thus chosen shall compose said jury, who shall be summoned by the city marshal to meet at such time and place within the city limits as the common council may direct; and in case of the absence, sickness, or refusal of any of the jurors thus drawn and notified to attend on the day of hearing, the said parties are to draw in the manner aforesaid from the remaining eighteen names in said box, a sufficient number of jurors to make up the deficiency.

SEC. 33. There shall be two days' labor performed annually on highways, streets and alleys, by each male person who, by the laws of this state, is subject to perform highway work; such person to perform such labor under the direction of such street commissioner, as the common council may appoint; but any such person may at his option pay at the rate of seventy-five cents per day for every day he may be so bound to labor, and in default of the payment of such money, or the performance of such labor, the street commissioners, or either of them, may sue for and collect such money, by an action of debt, in the name of the city of Portage, with fifty per cent. damages on the same, together with costs of suit before the mayor of the city, or any justice of the peace; and in all such cases the process shall be by warrant, and no stay of execution upon any judgment rendered in such suit shall be taken or allowed. Poll tax.

SEC. 34. For the discharge of any debt against said city, or expenditures authorized by the common council and the provisions of this act or ordinance of said city, or to defray the current expenses of said city, the common council shall have power to levy and collect annually a tax on all such real and personal property or capital of any kind within said city, subject to taxation by the laws for levying the taxes of this state for the time being: *Provided*, That the whole amount of said annual taxes shall not exceed five mills on a dollar of the assessed valuation of said property, except as in the next section provided. Council may levy tax.

SEC. 35. Special taxes for purchasing fire engines, or the purchase of a cemetery and improving the same, for the burial of the dead, and other objects of public utility, may be voted at any regular or special meeting; but no such vote shall be taken unless said tax be first recommended by the common council; and a notice of the same specifying the object for which said tax is to be raised, and the time and place for voting, be published in the manner hereinbefore provided for giving notice of city elections. Special taxes.

Duties of assessor.

SEC. 36. The assessor elected by virtue of this act shall, in all things pertaining to his office, be governed by the same laws as assessors in towns, except that as soon as he has completed his assessment roll he shall return it to the city clerk. All lands within said city not platted or laid out into city lots shall be assessed by the assessor as farming lands, in the same manner as assessments are made by town assessors.

Duty of clerk, in regard to taxes.

SEC. 37. It shall be the duty of the clerk annually upon receipt of the assessment roll, to lay the same before the common council, and they shall proceed to levy upon the whole amount of such assessment, such a per centage as a majority of the board shall deem necessary for all corporation purposes for the year in which it is made, provided that such per centage shall not exceed five mills on a dollar valuation; but no county or state tax shall be levied by said council until said assessment shall have been equalized by the county board, the same as the assessment of towns; and after having been so equalized by the county board, the same rules and regulations shall be observed in levying and collecting said county and state taxes within said city, as are applicable to the same in towns.

Ditto.

SEC. 38. It shall be the duty of the clerk to complete the tax list within such time as shall be prescribed by the common council and deliver the same, together with the warrant of said board, to the treasurer for collection, which warrant shall be substantially the same as is required by the law of town clerks, and make a record of such delivery in a book where such list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax so assessed on real estate shall be a lien in preference to any other lien on the estate so taxed, until the same shall be paid, together with all legal charges thereon.

Duty of treasurer, in regard to taxes.

SEC. 39. Upon the receipt of any tax list by the treasurer, it shall be his duty to give public notice in a newspaper published in said city, that such tax list (describing for what purpose said tax or taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of ten days next ensuing said notice, and all persons paying taxes during said time shall be entitled to a discount of two per centum upon the amount paid; if the taxes are not paid within the said time, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving at least six days' notice of the time and place of such sale, by posting up not less

than three written notices in as many public places in said city.

SEC. 40. In case no goods and chattels shall be found out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall then be his duty to make a list of all such property and taxes thereon remaining unpaid, in said city of Portage, on the third Monday of January next succeeding the date of his tax list and warrant, and the list so made, with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to return said delinquent list to the treasurer of Columbia county, on or before the fourth Monday of January next following, and he shall at the same time pay over to such county treasurer all moneys then collected by him belonging to said county, and also those belonging to the State of Wisconsin, in the same manner as required by law of treasurers of towns.

Duty of treasurer, in regard to taxes.

SEC. 41. In case any person, against whom personal property shall be assessed, shall have removed out of the city of Portage after such assessment was made, and before such tax ought, by this act, to have been collected, it shall be lawful for said treasurer to levy and collect such tax by distress and sale of the goods and chattels of the person so assessed, in any town within the county to which such property or goods may have been removed, or in which he may reside.

Ditto.

SEC. 42. Real estate exempted from taxation by the laws of this state, shall be subject to local taxes for the building and improving of sidewalks.

Property subject to taxation

SEC. 43. From and after the first Tuesday in April, one thousand eight hundred and fifty-four, the connection between the city of Portage and the town of Portage City for town purposes, shall be dissolved, and the duties now or heretofore imposed upon the supervisors and other officers of the town, so far as they relate to the city of Portage, shall be imposed on the officers of the said city of Portage; and so much of the town of Portage as is not included in the limits of the city of Portage, shall be the town of Pacific, for the purposes of town and county government; and they shall hold their next meeting at such place within the organized town of Portage City, as the present board of supervisors shall appoint, and thereafter the place of meeting shall be decided by a vote at their town meeting.

When town and city dissolved.

What settled  
by city.

SEC. 44. The town business of the present town of Portage City, up to the time of the taking effect of this act, shall be settled by the city of Portage, as constituted by this act; and the amount of funds remaining or the debts due, as the case may be, shall be apportioned between the town of Pacific, as constituted by this act, and said city of Portage, according to the amount of taxable property belonging to each, as taken from the last assessment roll; and the records of the present town of Portage City shall remain with the clerk of said city, and the said town of Pacific shall be entitled to take copies of said records, and such copies shall have the same effect when certified to by the clerk, having the custody of the same, as the original records would have.

Appropriations.

SEC. 45. The common council shall not, in the appropriations made in any year, exceed the revenues of that same year; nor shall they issue any orders, certificates, bonds or other evidences of debt not authorized by law, or in any other manner create a floating debt against said city beyond the annual revenue thereof.

Mayor and  
council not to  
be paid.

SEC. 46. No compensation whatever shall be paid out of the city treasury to the mayor or any member of the common council of said city; and they are hereby prohibited from being in any manner interested in any contract made by authority of said city.

Aid in construction  
of  
railroads.

SEC. 47. For the purpose of aiding in the construction of railroads from the village of Fox Lake, in the county of Dodge; from the village of Columbus, in the county of Columbia, and from the village of Madison, in the county of Dane, to said city of Portage, the mayor and common council of said city of Portage are hereby authorized and required to loan the credit of the said city to such railroad company or companies as shall be engaged in the construction of such railroads, in the sum of two hundred thousand dollars—that is to say, fifty thousand dollars to the La Crosse and Milwaukee railroad company; seventy-five thousand dollars to the Milwaukee and Watertown railroad company, (engaged in the construction of a railroad from the said village of Columbus to said city,) and seventy-five thousand dollars to such railroad company or companies engaged in the construction of a railroad from the village of Madison to said city of Portage, as the said mayor and common council of said city may deem expedient and proper; and for that purpose the mayor and common council of said city are fully authorized to issue the bonds of said city in such form and denominations as the



said railroad companies may severally require: *Provided*, *Proviso*. That if the said Milwaukee and Watertown railroad company shall not, by the first day of November next, locate and put under contract, and commence the construction of their road between the village of Columbus and said city of Portage, then the said common council shall be at liberty to withhold the bonds issued in aid of said railroad, and shall be released from all further obligations to said company; and, *Provided, further*, That if the said La Crosse and Milwaukee railroad company shall not by the first day of November next, locate and put under contract, and commence the construction of their road between the said village of Fox Lake and city of Portage, then the common council shall be at liberty to withhold the bonds issued in aid of said railroad, and shall be released from all further obligations to said company.

SEC. 48: The said bonds shall be executed by the mayor of said city, and countersigned by the clerk thereof, under the corporate seal of said city, and shall be redeemable in not less than ten, nor more than twenty years from the date thereof, and shall bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually, and payable at such place or places in the city of New York, or elsewhere, as said mayor and common council shall direct. Bonds to be issued.

SEC. 49. Before the issue of any bonds authorized by this act to the said railroad companies, the question of issuing the same shall be approved by a majority of the qualified voters of said city voting on the question, at an election to be holden at Verandah Hall, in said city, on the fourth Monday in May next, at which election those voting in favor of the issuing of such bonds, shall vote a ballot on which shall be written or printed the words, "For the Railroads;" and those voting against the issue of such bonds, shall vote a ballot on which shall be written or printed the words, "Against the Railroads." The poll of said election shall be opened at ten o'clock in the forenoon, and continue open until four o'clock in the afternoon of same day. The said election shall be conducted under the direction of inspectors, to be appointed by the mayor and common council of said city; and the vote shall be canvassed, certified, and the result thereof returned to the clerk of said said city, within three days after said election, and the said clerk shall lay the same before the said mayor and common council at their next session to be holden thereafter. Vote to be taken.  
Form of ballot.

ter. Every qualified voter shall be entitled to vote at said election without regard to ward lines.

When may issue bonds.

SEC. 50. If the result of such election shall be in favor of the issue of such bonds, the mayor and common council of said city shall execute bonds running to, and for the benefit of each of said several railroad companies entitled thereto, in such form and for such denominations as they may direct, for the said sums of money hereinbefore specified, for aiding in the construction of each of said railroads respectively. The said bonds, when so executed, shall be deposited with the treasurer of said city, to be delivered to such companies as shall be severally entitled thereto, upon compliance with the following conditions:

Railroad companies to give bonds.

SEC. 51. Before the delivery of any such bonds to any railroad company or companies entitled thereto, each of said railroad companies entitled to receive the same, shall execute and deliver to the mayor and common council of said city, their successors and assigns, for the use and benefit of said city, a bond under the corporate seal of the said railroad company, duly executed, in the penal sum of double the amount of bonds of said city, delivered to said railroad company, conditioned that the said company shall punctually pay and discharge the principal and interest due, or to become due on any bonds issued and delivered by said city to said railroad company, and shall fully indemnify and save harmless the said city against all payments, liabilities, losses, damages and expenses which the said city may incur or sustain in consequence of the issue or delivery of any such bonds; and before the delivery of any bonds issued under the provisions of this act, each railroad company entitled to receive the same, shall duly execute and deliver to the treasurer of the city of Portage, a mortgage on the railroad, in the usual form, to secure the performance of the bond executed by said company to the said city, which mortgage shall be a lien against the said railroad, from and after the recording thereof, and the mayor and common council of said city may, before the delivery of any such bonds, require such additional and further security from said railroad company for the faithful application of the proceeds of said city bonds issued in aid of said company, and may also impose and fix such conditions, regulations, and limitations, upon said company, as they shall deem just and reasonable.

When bonds to be delivered.

SEC. 52. Whenever the president and secretary of any railroad company entitled to receive any such bonds, shall

file their joint affidavit with the treasurer of said city, that the sum of fifty thousand dollars has been actually expended by the said company in the construction of any of the railroads intended to be aided by this act, within the limits of the county of Columbia, then the said treasurer shall deliver to the order of said company twenty-five thousand dollars of the bonds issued to aid such company; and whenever a like affidavit has been filed with the said treasurer that the further sum of fifty thousand dollars has been actually expended within the limits of said county of Columbia as aforesaid, in the construction of any such railroad, as aforesaid, the said treasurer shall deliver to the order of said company the further sum of twenty-five thousand dollars of said bonds, issued to aid such company; and in like manner, upon like affidavit being filed as aforesaid, the said treasurer shall continue to deliver to the order of any such railroad company, the like further sum of twenty-five thousand dollars of such bonds issued to aid such company, until all the bonds issued by virtue of this act shall have been delivered to the railroad companies severally entitled thereto, according to the provisions thereof.

SEC. 53. Any person or persons, officer or officers, who shall make any other than a faithful application of the moneys arising from the sale of any bonds, or any part of the same, issued in pursuance of the provisions of this act, in the construction of the road to which the same is designed, shall be guilty of a misdemeanor, and may be indicted, tried and punished accordingly, before any court having competent jurisdiction of the same, and upon conviction of such offence, shall be sentenced to imprisonment in the state prison for a term not less than one, nor more than three years, and shall be personally liable to said city of Portage, to pay to the said city for the use thereof, double the amount so misapplied, to be recovered in action of debt in the name of the treasurer of said city, before any court having jurisdiction of the same. Penalty for misapplication of moneys.

SEC. 54. For the payment of the principal and interest of any bonds issued by said city in pursuance of the provisions of this act, the faith of the said city is hereby firmly and irrevocably pledged. Faith of city pledged.

SEC. 55. Nothing contained in this act shall be in anywise construed to make any railroad companies entitled to receive any bonds of said city, issued under the provisions of this act, jointly liable for the performance of any of the conditions contained in this act, but the said companies, Companies severally liable.

each for itself, shall be severally liable for the performance of all the conditions required of such company to the said city of Portage.

SEC. 56. This act shall be considered a public act, and shall be construed liberally and beneficially, to effect the objects herein contemplated.

When this act  
to take effect.

SEC. 57. This act shall take effect from and after the first day of April next, and may be amended, altered or repealed by the legislature, and all acts or parts of acts inconsistent with this act shall be, and the same are hereby repealed, such repeal to take effect at the time when this act becomes operative.

Approved, March 10, 1854.

**Chap. 126** An Act to provide for holding the terms of the Circuit Court in the Counties of Rock and Walworth.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Time of hold-  
ing courts.

SECTION 1. The circuit court, in the following named counties shall be holden at the times hereinafter mentioned, to wit:

In the county of Rock, on the first Monday of June, and the fourth Monday of November, of each year.

In the county of Walworth, (after the year, A. D. 1854,) on the third Monday of May, and the first Monday of October, of each year.

When process  
returnable.

SEC. 2. All process or recognizances, or proceedings heretofore issued, or which may be issued from the circuit court for Rock county, and all proceedings pending therein, returnable at the March term of said court, for 1854, shall be held and taken as returnable at the time named in this act as the time for holding the first term of said court.

SEC. 3. All acts, and parts of acts, contravening the provisions of this act, are hereby repealed.

Act to be pub-  
lished.

SEC. 4. This act shall be published in the official paper, Rock County Standard, Janesville Free Press, Janesville Gazette, and the Beloit Journal; and shall take effect and be in force from and after its passage.

Approved, March 10, 1854.

## An Act to vacate a Street in Portage City.

## Chap. 127

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that part of the street known on the plat of Portage City, as South Canal street, which passes through block No. 254, as described in said plat, (said land so described, being the property of William Miller,) is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 11, 1854.

An Act to amend an act, entitled An act to incorporate the Watertown and Hubbelville, Portland and Waterloo Plank Road Company.

## Chap. 128

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That portion of section 16, of the act entitled an act to incorporate the Watertown, Hubbelville, Portland and Waterloo plank road company, approved March 5, 1851, which requires the building of said road from Portland to Waterloo, is hereby repealed.

Approved, March 11, 1854.

An Act to amend an act to incorporate the Manitowoc and Mississippi Railroad Company; Approved, March 15th, 1851.

## Chap. 129

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The said Manitowoc and Mississippi railroad company, are hereby fully authorized and empowered to locate and construct a branch railroad, with a single or double track, from such eligible point from the line of their road, east of the fourth principal meridian, as may be determined upon by the directors of said company, by the most eligible and feasible route to the state line between the State of Wisconsin and the Territory of Minnesota, at a point as near to the city of St. Paul, in the said Territory of Minnesota, as practicable, and with the legislature of said territory to continue said branch road to the said city of St. Paul; and the said company shall have the same powers to transport, take and carry property and persons upon the said branch road by force of steam, of animals,

Company authorized to construct a branch.

or of any mechanical or other power, or any combination of them, and to make, construct, and erect such turn outs, warehouses, machine shops, carriages, cars and other works and appendages, as may be necessary for the convenience of the said company, in the construction, use, and enjoyment of the said branch road, as is granted in the said act incorporating the said company, and the acts amendatory thereof, in relation to the main line of the road of said company.

SEC. 2. All the provisions of the act of which this is amendatory, and of the several acts amending the same, in relation to entering upon, taking, and making compensation for lands, for surveys, right of way, and construction, and all other provisions of said acts respectively, now in force, and not inconsistent herewith, shall apply as well to the said branch railroad hereby authorized, as to the main line of the road of said company.

SEC. 3. This act shall take effect immediately.

Approved, March 11, 1854.

**Chap. 130** An Act to authorize John C. Berry to keep and maintain a Ferry across the Mississippi River.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Right to keep ferry.**

SECTION 1. That John C. Berry, his heirs, executors, administrators, and assigns, shall have the exclusive right to keep and maintain a ferry across the Mississippi River, from fractional lot numbered two (2,) in section numbered thirty-three (33,) in township numbered twelve (12,) of range numbered seven (7,) west, of the fourth principal meridian, to the most convenient point opposite, on said river, for a term of fifteen years.

**Regulations.**

SEC. 2. Such ferry shall be subject to such regulations as other ferries, according to law, in the manner in which license ferries shall be kept and attended, and no ferry shall be licensed within one mile below, and two miles above the point where said ferry shall be established.

**Tolls.**

SEC. 3. The said John C. Berry shall be entitled for crossing any vehicle drawn by two or more horses or oxen, seventy-five cents; for any vehicle drawn by one horse, fifty cents; for a single horse, twenty-five cents; for each head of cattle or mules, twenty cents; *Provided*, hogs and sheep shall not be charged more than ten cents per head, and for foot passengers, fifteen cents each.

Sec. 4. That the said John C. Berry be, and is hereby Time allowed  
allowed one year from and after the passage of this act, to  
build and construct a regular ferry boat to be used on said  
ferry: *Provided*, he shall furnish the necessary facilities  
for ferrying that may be required to accommodate the tra-  
vel during that time.

Sec. 5. This act shall take effect from and after its pas-  
sage.

Approved, March 11, 1854.

An Act to lay out a State Road therein described.

Chap. 131

*The people of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. That Margim Mitchell, Abraham Stiles and Commission-  
George W. Thompson be and are hereby appointed com-ers.  
missioners to lay out and establish a state road from the  
village of Franklin, in the county of Iowa, by way of Chap-  
man's mill, on Blue river; Prairie du Bay, on the Wiscon-  
sin river; Wayne's mill, on Richland creek; Gay's mill, on  
Kickapoo river, to Bad Ax post office, in the county of Bad  
Ax.

Sec. 2. The said commissioners shall receive a fair com- Shall receive  
pensation for their services from the counties through-pay.  
which the said road shall pass, each county paying a pro-  
portionate share of the expenses: *Provided*, That no part  
of such expense shall be paid out of the state treasury.

Sec. 3. All acts relating to laying out and establishing;  
a state road over the route above described, are hereby re-  
pealed.

Approved, March 11, 1854.

An Act to incorporate the Portage City and Lake Superior Railroad Company. Chap. 132

*The People of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. That N. H. Wood, O. J. Pettibone, Charles Commission-  
A. Single, Andrew Warren, jr., Charles Shuter, Jackson ers.  
Hadley, Asa C. Ketchum, Simeon Mills, Joseph F. Loy,  
— Farnham, Wellington Rollock, Samuel Marshall,  
Walter D. McIndoe, William Schofield, Geo. W. Oates and  
Albert G. Ellis, be, and they are hereby appointed commis-  
sioners, under the direction of a majority of whom sub-

scriptions may be received to the capital stock of the Portage City and Lake Superior railroad company hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving ten days notice of such times and places, by publishing the same in one newspaper published in Madison.

**Capital Stock.**

SEC. 2. The capital stock of said company shall be six millions of dollars, in shares of fifty dollars each; and as soon as four hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Portage City and Lake Superior railroad company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation. They shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name may sue, and be sued; plead, and be impleaded; may have a common seal, and may alter the same at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well-being of said corporation.

**Meeting of stockholders.**

SEC. 3. The commissioners, or a majority of them, after the said four hundred shares of such stock shall have been subscribed as aforesaid, shall give at least ten days notice in the newspaper hereinbefore mentioned, of the time and place by them appointed for the subscribers or stock holders to meet, for the purpose of electing thirteen directors; and annually thereafter the said stockholders shall meet on the third Wednesday of January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: *Provided*, That previous to the first election, the commissioners hereinbefore named, shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors; *and, provided*, That if, from any cause, the election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid, that until such election the directors of the preceding year shall continue to act, and that this charter shall not

**Proviso.**



be avoided by reason of any irregularity, or want of such election.

SEC. 4. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be elected annually by ballot, on the days hereinbefore prescribed, by the stockholders of said company, the votes to be delivered in person or by proxy, duly authorized, which directors shall appoint one of their number to be president, and shall respectively serve for one year or until other directors are elected; they shall have power to make and establish such by-laws, rules and regulations not inconsistent with the constitution and laws of this state, as may be necessary for the well-ordering the affairs of said company.

How affairs to be managed.

SEC. 5. None but stockholders shall be elected directors, and at every election, and in all cases where stock holders shall be called upon to vote, each share of stock shall be entitled to one vote; and in all cases of elections of directors, the thirteen stockholders having the highest number of votes shall be declared elected.

Qualification for directors.

SEC. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who, in the absence of the president, shall appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers or agents, and may demand adequate security for the performance of the respective trusts; they shall decide the time and manner, and proportion in which said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of any person or persons failing to pay any instalment so required, at a reasonable period, not less than sixty days after the time appointed by them for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts and agreements with any person, co-partnership or body politic whatsoever, as the construction and management of the works, and the convenience and interest of the company, may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no instalment, called in at any one time, shall exceed two dollars and fifty cents per share; and that no instalment shall be called for by the directors

Meeting of directors.

Shall appoint officers, &c.

May regulate tolls.

Proviso.

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without at least ten days notice thereof in the newspaper hereinbefore named.

Certificates to  
be issued to  
stockholders

SEC. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe or hold in said corporation, signed by the president, and countersigned by the secretary, and sealed with the common seal, subject, however, to all the payments due, or to become due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of said company.

Shall exhibit  
statement of  
affairs

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year, and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying, moreover, the object of such meeting; but no business shall be transacted at such special meeting, unless a majority in value of stockholders shall attend in person, or by proxy.

Route of road.

SEC. 9. The said company shall have power to locate and construct a single or double track railroad, from the village of Portage, city, in the county of Columbia, via Stevens Point and Waupun, to such eligible point on the northern boundary line of this State, and the State of Michigan, as or near the head waters of the Ontonagon River, as the board of directors may determine; and shall have power to transport, take, and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct and erect all side tracks, turn-outs and connecting tracks, and also all such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company for the use of said railroad, and also to connect said railroad with other railroads and branch railroads in the State of Wisconsin, and in the state of Michigan, and in the Territory of Minnesota; and to consolidate the capital stock of the said company with the capital stock of any railroad company with which the road of said company shall intersect, and shall have full power to place the road of this company and its capital stock so consolidated, under the direction

Powers.

tion of the joint board of directors, to be chosen on such terms as the directors of the said companies so constituted shall agree upon.

Sec. 10. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereunto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding one hundred feet in width, along the line of said road, subject however to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized, by their officers, engineers, agents and servants, to enter upon land adjacent to the railroad, beyond the limits of one hundred feet, in the manner provided in this act, when necessary, for the purpose of erecting depot buildings, station houses, and necessary fixtures, for the operation and for the business of said railroad, and for the purpose of making drains, and giving a proper direction to water courses across and along the said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of the road, and to deposit earth, gravel and stone from cuts, and to obtain earth, gravel, stone and other materials, for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage; and all lands so acquired, and all damage which shall be done to any lands or property, under the provisions of this section, shall be ascertained and paid for in the manner, and agreeably to the provision hereinafter provided. And when such damages shall have been paid or tendered, the title of the land occupied by such fixtures, excavations and embankments, shall vest in said company, for the purpose of keeping up and maintaining a railroad.

Company may  
take land.

Sec. 11. When the said corporation can not agree with the owner or owners of such required land, for the purchase thereof, or as to the compensation to be paid therefor, or when, by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in that case, it shall be lawful for the judge of the circuit court of the county in

In case of disagreement as to value of land.

which such lands are situated, on application of either party, and at the cost and charge of said company, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey, said lands, with the buildings and improvements, if any, thereon, and to estimate the value of the land so taken, or required by the said company, and all damages which the owner or owner thereof shall sustain, or may have sustained, by reason of the taking of the same for the construction and use of said road, or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same to the said owner or owners; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace, or other person competent by law to administer oaths, faithfully, and according to the best of their abilities, to examine the lands so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained, or may sustain, by reason of the taking and using thereof by said company, over and above the benefits and advantages such owner or owners shall derive from the construction of such railroad, whereupon such commissioners shall proceed to examine the premises, and estimate the value of such land, and the amount of damage, if any, over and above the benefits and advantages which may accrue to such owner or owners, as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to the said judge, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside; and it shall be the duty of the said clerk to file the same, and in case no appeal shall be taken within thirty days after the filing of said reports, as hereinafter provided, then the said clerk shall record the same, at the expense of the said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, that either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same, shall find the value of the land so taken or required by said company, and the damage which the owner or owners thereof shall have sustained, or may sustain, by

**proviso.**

the taking of the same, over and above the benefits which will accrue to the owner or owners thereof, from the construction of such railroad, and judgment of court shall be entered accordingly: *Provided*, also, that it shall not be lawful for said commissioners, or said court, to proceed to the assessment of damages, or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her, or their, agents or attorney, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin. And if the said owner or owners shall be minors, or *non compos mentis*, or absent from the State, the service of notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct: *Provided*, also, that upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein, to the owner or owners of such lands, his, her, or their legal representatives, the said company, their agents or contractors, for making or repairing said railroad, may immediately take and use the same, without awaiting the issue of any appeal brought thereon.

SEC. 12. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in said judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same, as fully as if it had been conveyed in fee simple; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company, by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, that the cost of any proceedings and judgment specified in the last preceding section, shall be taxed by the court, and paid by said company, except in cases where, upon appeal, the verdict of the jury shall be for a less sum than that reported by the said commissioners.

SEC. 13. In case there shall be incumbrances upon the land taken, as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed, as hereinbefore provided, with the clerk of the circuit court of the county in which the land lies, to be

*Provided.*

*Provided.*

When company shall be entitled to land.

*Provided.*

In case of incumbrance.

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paid over by the clerk to the owner of said land, or his lawfully authorized agent, upon the removal of said incumbrance.

Road not to obstruct passage of any other road.

Proviso.

SEC. 14. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same; and in all places where such railroad shall cross, or in any way interfere with any public road, it shall be the duty of said company to make, or cause to be made, a sufficient cause-way or passage way, to enable all persons traveling such public road to pass over or under such railroad without inconvenience: *Provided*, That in all cases where said railroad may cross or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good repair as before; and for that purpose the said company shall, previous to occupying any part of such road, construct a new road, in part or in whole, as may be necessary, on the ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by said company.

Company shall make good passage over or under road.

Proviso.

SEC. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary, to enable the occupants of said lands to pass over or under the same with waggons, carts and implements of husbandry, as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional cause-way. And the said company shall, before opening the said road through enclosed grounds, if requested by the owner thereof, erect such fencing as will preserve such enclosure entire; and shall, before they commence to use said road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed grounds, and shall maintain the same.

Shall fence road.

Dividends.

SEC. 16. So soon as the net profit accruing and received from the use of said road or part thereof, according to the provisions of this act, shall exceed six per cent. upon the amount of said capital stock paid in, the directors of said

company shall make a division of such net profit among the stockholders in proportion to their respective shares.

SEC. 17. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such results shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term not less than one and not more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Penalty for obstructing road.

SEC. 18. The said railroad company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest that may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name, all necessary writings, notes, drafts, bonds or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this state or in any other state, when such contract may be made, to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: for the construction of a railroad from Portage City, in the county of Columbia, to Lake Superior, as is hereinbefore provided; and the contracts and official acts of said company are hereby declared binding in law and in equity upon said corporation; and all other parties of said contract.

May borrow money, &c.

SEC. 19. An act entitled an act to incorporate the Portage City, Stevens' Point and Wausau railroad company, approved April 16, 1852, is hereby repealed.

SEC. 20. This act shall be in force from and after its passage, and it shall be construed favorably to effect the pur-

poses hereby intended, and the same is hereby declared to be a public act; and copies thereof, printed by authority of the state of Wisconsin, shall be received as evidence thereof.

Approved, March 11, 1854.

## Chap. 133

An Act to incorporate the Horicon Iron and Manufacturing Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

### Corporators.

SECTION 1. The following named persons, viz.: Charles H. Larrabee, Martin Rich, Daniel H. Chandler, Asahel Finch, Jr., and Harvey Rice, and all other such persons as shall hereafter become associated with them, by subscribing to the capital stock in the corporation hereby created, and their successors and assigns, shall be and are hereby constituted and made a body corporate by the name and style of "The Horicon Iron and Manufacturing Company," and by that name shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered unto, defended and being defended, in all courts and places whatsoever, in all manner of actions and causes, may have a common seal, which they may alter or renew at pleasure, and by that name shall be capable of purchasing, holding and conveying any estate, real, personal or mixed, for the use and benefit of said corporation.

### Capital stock.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same at any time hereafter to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares and stock shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe.

### Powers.

SEC. 3. Said corporation shall have power to prospect for iron ores, mine, raise and smelt the same, cast, puddle, roll and manufacture all kinds of iron and iron wares, of every kind, and sell and dispose of the same at pleasure, may construct such dams, canals, water ways, reservoirs, flumes and races, as may be required in the business operations of said company, on any lands which may hereafter be owned by said company, may erect buildings, structures and machinery of every kind necessary for the purposes of said company, to be moved by water or other power, may lease or sell for grist or saw mills, or for other



manufacturing purposes, any surplus water power created by their said dams, may make and execute in the corporate name and capacity of said company, to any person or persons, body corporate or politic, and acknowledge the same when required in due form of law, deeds of conveyance, or lease of lands, woods or mines, mortgages, bonds, notes, writings and other papers, of any kind, or amount, as security for the loan of money borrowed, or for any debt due by said company to any such person or persons, body corporate or politic, and for any rate of interest which may be agreed upon between the parties, any law of the state to the contrary notwithstanding.

SEC. 4. The property and affairs of said corporation shall be managed and conducted by a board of five directors, a majority of whom shall form a quorum for the transaction of business, who shall be elected annually after the present year, by the stockholders, at such time and place, and under such regulations as shall be prescribed by the by-laws, or adopted by resolution of the board of directors, and it shall be the duty of the directors to notify the stockholders of said company, of the time and place of holding the annual meeting for such purpose, by publishing a notice thereof in some newspaper published in the counties of Dodge or Milwaukee, for thirty days previous to such election, at least once a week; and at all elections each stockholder shall be entitled to cast one vote for each share of stock held by him in said corporation, and may vote the same in person or by proxy duly authorized: *Provided*, that no person shall be elected a director who shall not at the time be a stockholder in said company.

SEC. 5. The five incorporators named in the first section of this act, viz.: Charles H. Larrabee, Martin Rich, Daniel H. Ohandler, Asahel Finch, Jr., and Harvey Rice, are hereby declared to be the first board of directors, whose term of office shall continue for one year from the passage of this act, and until their successors shall be elected as aforesaid; and if for any cause an election shall not be held at the regular time prescribed as aforesaid, the same may be held at any other time, upon thirty days notice being given as aforesaid; and this charter shall not be impaired by reason of any irregularity, or want of any such election; and in case of a vacancy happening in the board of directors by the death or resignation of any director, such vacancy shall be filled by the remaining members of the board by the appointment of a director to fill the same. Books of subscription to the capital stock of said

How affairs managed.

Annual meetings.

First board of directors.

company may be opened at such times and places, and subscriptions received from all such persons, and subject to such payments as may be prescribed by the board of directors.

**Organization.**

SEC. 6. The first board of directors, at their organization, and their successors after their election, shall elect one of their number president, whose duty it shall be to preside at the meetings of said board, and in case of his absence at any meeting the directors present may elect a president pro tem. The president shall, in addition to the aforesaid duty, perform such other acts as may be prescribed by the by-laws or required by the board of directors. The office

**Place of business.**

or place of business of said company shall be at Horicon, in the county of Dodge, or at such other place as shall be determined by the board of directors; and all meetings of the board for the transaction of business shall be at said office, or at such other place as may be appointed by resolution of the board, or by a call of the president. The board of directors may call special meetings of the stockholders at any time, on giving thirty days notice by publication as aforesaid. They shall have power to appoint a

**Minor officers, &c.**

secretary and treasurer, and all such other officers, agents, laborers and servants, as they may require for the transaction of the business of said company; prescribe their duties and compensation, and remove the same at pleasure. They shall have power to decide the time, manner, and proportions in which the stockholders shall pay for the shares of stock by them subscribed; and forfeit to the use of the said company the share or shares of any person failing to pay any instalment at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; and may adopt all necessary by-laws for the regulation and management of the affairs of said company.

**Dam across Rock river.**

SEC. 7. The said company are hereby authorized to keep and maintain the dam now erected across Rock river, at the village of Horicon, in the county of Dodge, in case the present proprietors shall convey all their right, title, and interest in and to the same, and to the parcels of land on which it abuts to the company hereby incorporated, for the purpose of creating a water power for the manufacture of iron and for other manufacturing and grist and saw-mill purposes: *Provided*, however, that the dam or dams hereafter constructed shall not be raised so as to flow the water over other or any more lands than are already flowed, or would be flowed on account of said dam at its present

**Proviso.**

right; and in the event of the said dam causing the water to flow upon lands other than those belonging to said company, and if the said company cannot agree with the owners thereof as to the amount of compensation to be paid for damages to such lands by reason of such flowing and for the right to flow the same, then the question of damages to such lands and for such right shall be submitted to arbitrators, in the following manner: each party shall select a disinterested arbitrator, and such arbitrators shall select another; or if either party shall neglect for three days after being notified so to do by the other party, or if non-residents of this state, and are notified by publication for thirty days in some newspaper published in Dodge county to select such arbitrator, and shall neglect so to do for sixty days after the first publication as aforesaid, or if the arbitrators selected cannot agree on the third arbitrator, then in all cases of such neglect or disagreement, and upon satisfactory proof thereof and upon the application of either party, the Governor of this state shall select such arbitrator; and the said arbitrators shall proceed to make an award of the amount of compensation which shall be paid for such damages, and for the perpetual right to flow such lands, and shall deliver a copy of their award to each of the parties; and either party within ten days after receiving a copy of such award, may appeal from the same to the circuit court of the county wherein the lands lie, by giving a written notice of such appeal to one of the arbitrators; and upon receiving notice of appeal it shall be the duty of the arbitrators, or a majority of them, to certify all their proceedings to said court, and the said court shall enter said cause on its docket in which the claimant of damages shall be plaintiff, and shall proceed to ascertain by a jury drawn in the usual manner, unless the parties waive a jury, the amount of damages; and if the amount so found for such plaintiff shall exceed the amount of the award, judgment shall be rendered for the plaintiff with costs; and if the amount so found shall not exceed the amount of the award, judgment shall be rendered against such plaintiff for costs, and the award shall remain in force, and judgment be rendered thereon; and when the amount so found by said award or judgment shall be paid or tendered to the party entitled thereto; or if refused by said party shall be paid into said court for the use of said party; the same shall be a bar to any action or proceeding at law or in equity, for such damages. The said arbitrators shall receive a compensation of two dollars

Flowing of  
lands to be set-  
tled by arbit-  
ration.

How arbitra-  
tors appointed.

1891, 1892

1893, 1894  
1895, 1896  
1897, 1898

1899, 1900  
1901, 1902

1903, 1904  
1905, 1906

per day for each day actually employed in said arbitration, to be paid in all cases by said company.

Shall maintain slide.

SEC. 8. The said company shall keep and maintain a good slide for the passage of rafts, and for the ascent and descent of fish; and the lake so improved and extended by the raising of said dam, shall be deemed a public highway in all parts within high water mark, and free from any tax, duty or impost, for the navigation of the same.

State lands.

SEC. 9. This act shall not be so construed as to affect the title of this State to any swamp or other lands that may be flowed by means of said dam; or the right of the State to a just compensation for the flowage of the same.

SEC. 10. This act shall be deemed a public act, and shall be favorably construed in all courts and places for the purposes therein expressed; and shall take effect and be in force from and after its passage and publication.

Approved, March 15, 1854.

[Published May 3, 1854.]

**Chap. 134** An Act to authorize the Clerk of the Circuit Court of the County of Milwaukee to transcribe certain records.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Clerk authorized to transcribe documents, &c.

SECTION 1. The clerk of the circuit court of the county of Milwaukee is hereby authorized and required to transcribe and record in a suitable book, to be procured by him for that purpose, all the papers, documents and proceedings in cases in partition, in the late district court of the territory of Wisconsin, in and for said county, which were commenced during the years 1836, 1837 and 1838, and of which the files are preserved in the office of said clerk.

Supervised by judge.

SEC. 2. Such transcript shall be made under the direction and supervision of the judge of said circuit court, and the records of the cases so transcribed shall be evidence in the same manner and with like effect as if they were original records of proceedings in said court.

Clerk to be compensated.

SEC. 3. The board of supervisors of said county shall make a proper allowance for the compensation of said clerk.

SEC. 4. This act shall take effect immediately after its publication.

Approved, February 27, 1854.

An Act to incorporate the Sugar River Mining Company.

Chap. 135.

*The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

SECTION 1. Stephen Ester, James Hare, Thomas Fenton, **Corporators.** Hiram Kaster and John W. Stewart, their associates and successors, are hereby constituted a body corporate and politic, by the name and style of "The Sugar River Mining Company," and by that may sue, and be sued; plead, and be impleaded; answer, and be answered unto, in all courts of law and equity, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges requisite to a corporation for the purpose of mining, smelting and manufacturing lead or other metals, and the ores thereof, in the county of Green.

SEC. 2. Said corporation shall have power to purchase, **May hold real estate.** hold and convey real estate, providing the cost of the real estate held by said company, at any one time, shall not exceed fifty thousand dollars.

SEC. 3. The first meeting of said corporation shall be held **First meeting.** by the persons named in this act, or a majority of them, at such time and place as they may designate, at which meeting they may choose three of their number to act as trustees of said corporation, which trustees shall hold their office for such term and subject to such restrictions as may be prescribed by the by-laws of said corporation; and the said trustees shall have power to make, alter and renew such by-laws, rules and regulations for the government of said corporation, and the business thereof, as a majority of said trustees may see fit: *Provided*, They are not inconsistent with the laws of this state or of the United States: *Provided*, That the trustees hereafter to be elected shall be elected by the stockholders in said corporation, each share of stock to be entitled to one vote in said election.

SEC. 4. The capital stock of said corporation shall not exceed fifty thousand dollars, and said corporation may **Amount of capital stock.** commence business as soon as four thousand dollars are subscribed thereof. Said corporation shall divide their stock into shares, and provide for the sale and transfer thereof, in such manner as said corporation shall from time to time deem expedient.

SEC. 5. This act is hereby declared to be a public act, and the same shall be construed favorably in all courts and places whatever; and the same shall take effect and be in force immediately after its passage and publication.

Approved, March 16, 1854.

### Chap. 136) An Act to amend Chapter 239, of the Private and Local Laws of 1852.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an act entitled "an act to establish an academical and collegiate institution at Marquette," approved April 14th, 1852, be, and the same is hereby annulled, by striking out the names of John F. Gillman and Thomas C. Snow, as corporators, and inserting the names of J. Edmund Millard, Jabez S. Hayward and John B. Seward, who are hereby constituted corporators to act with the others named in said act to which this is amendatory.

SEC. 2. Section third of said act is hereby so amended as to authorize the board mentioned therein, to hold their first meeting at any time within one year from the passage of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 16, 1854.

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### Chap. 137) An Act to lay out a certain State Road therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Ira R. Rood, Horace B. Boyce and Isaac Brown, be, and are hereby appointed commissioners to lay out and establish a state road from Packwaukee, in Marquette county, by the most feasible route, to Portage City, in Columbia county: *Provided*, that no part of the expense of laying out said road shall be paid by the counties through which the road runs, or out of the state treasury.

Approved, March 16, 1854.

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### Chap. 138) An Act to vacate a part of a certain State Road.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That so much of the state road called the Token creek and Fort Winnebago road, north of section seven, (7) town eleven, (11) north of range ten, (10) east, and the same is hereby vacated; and that said road so

vacated shall be no longer used for the purposes of a public highway.

SEC. 2. All acts and parts of acts, conflicting with the provisions of this act, are hereby repealed.

Approved, March 16, 1854.

An Act to authorize the construction of a certain Levee.

Chap. 139

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The president and directors of the Fort Winnebago and Duck creek plank road company, in order to protect their plank road from inundation by the periodical overflows of the Wisconsin river, are hereby authorized to construct and maintain a levee from said plank road to the Wisconsin river at or near the south line of the town plat of Portage City; and also along and upon the bank of said river adjacent to said plank road; and it shall be lawful for said company, their officers, engineers and agents, to enter upon the lands adjacent to said road, in the manner provided in the seventh section of the act incorporating said company, approved February 9, 1850, for the purpose of constructing said levee, and of making necessary drains and giving proper direction to water courses along said levee, and to remove all substances and things which might endanger or interfere with the use of said road, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said levee. May build levee.

SEC. 2. All damages which shall be done to any lands under the provisions of this act, shall be ascertained and paid for in the manner and agreeable to the provisions contained in the eighth section of the act incorporating said company aforesaid. Damages.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 16, 1854.

An Act to authorize the construction of a Dam across Grand River.

Chap. 140

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That Austin McCracken, his associates or assigns, be, and they are hereby authorized to construct

and maintain a mill dam across Grand River; upon lands owned by the said McCracken, his associates, and heirs or assigns, on section 8, town 14, range 13, in the county of Marquette.

SEC. 2. The said company shall have the right to raise said dam as high as they may deem necessary: *Provided*, it is not raised so as to interfere in any manner with any other mill upon said stream.

SEC. 3. This act shall not be so construed as to release said McCracken, and his associates, their heirs and assigns, from any damage that any individuals may sustain by the erection and maintenance of said dam.

SEC. 4. This act shall take effect, and be in force from and after its passage.

Approved, March 16, 1854.

**Chap. 141** An Act to authorize the Election of Justices of the Peace in Marquette [Marathon] County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The electors of Marquette [Marathon] county are hereby authorized to elect at their annual town meeting, to be held on the first Tuesday in April next, six justices of the peace, who shall severally qualify, according to the provisions of law now in force, and when so elected and qualified, shall possess the same powers, and their acts shall be as legal as if they had been elected at the time prescribed by statute.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 16, 1854.

**Chap. 142** An Act to provide for the laying out of a State Road therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Jacob W. Saxe, George Robinson and Peter Grover, be and are hereby appointed commissioners to lay out and establish a state road, commencing at the village of Saxville, in Waushara county, and running to the town of Plover Portage, in Portage county; and that the counties through which such road shall run, shall pay the expense of laying said road.

Approved, March 16, 1854.



An Act to authorize the Board of Supervisors of Racine County to appropriate a certain Sum of Money. Chap. 143

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The board of supervisors of the county of Racine, shall have the power to appropriate annually to the Racine county Agricultural Society, a sum of money not exceeding three hundred dollars, out of the county treasury of said county ; the said appropriation to be used and applied to promote the interests of said society, and shall be expended under the direction of the executive committee of said society.

SEC. 2. The treasurer of Racine county shall, when said appropriation is made, pay the same over to the treasurer of said society.

SEC. 3. This act shall take effect and be in force immediately.

Approved, March 16, 1854.

An Act to provide for the laying out of a certain State Road therein named. Chap. 144

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That Isaac Brown, Thomas Moss and Samuel Seavy, be and are hereby appointed commissioners to lay out and establish a state road, to commence at that part of the road running north from Fort Winnebago, on section No. 26, town 14, north of range No. nine (9,) east, in Marquette county, thence to cross Moss Bridge, near said place, and thence by the nearest and most practicable route, to Dell Creek, on the Wisconsin River : *Provided*, that no part of the expense of laying out said road shall be paid by the counties through which the road runs, or out of the state treasury.

Approved, March 16, 1854.

An Act to change the name of Ervenette McCullough.

Chap. 145

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That the name of Ervenette McCullough shall hereafter be Ervenette Brooks, by which name the said

person shall be called and known, to all legal intents and purposes.

SEC. 2. The said person whose name is thus changed by the first section of this act, shall be the child and heir at law of Cephas Brooks, of Sun Prairie, Dane county, Wisconsin, and the obligation of child to parent and parent to child, shall pertain as fully between the parties herein named, as in the case of legitimate parentage and descent.

SEC. 3. This act shall take effect from and after its passage: *Provided*, That this act shall have no force until the said Cephas Brooks shall assent thereto, by an instrument in writing, to be by him subscribed and acknowledged, and recorded in the office of the register of deeds of the said county of Dane, where the said Brooks resides.

Approved, March 16, 1854.

## Chap. 146

An Act to authorize the laying out of a State Road therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Henry Moore, George Marshall and L. B. Brainard, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Waupacca, in Waupacca county, to Willow creek, at or near the saw mill in what has been heretofore known as the soldiers' settlement, in Waushara county.

SEC. 2. The commissioners appointed by this act shall, upon the performance of the work, be entitled to such compensation for their services as the supervisors of the counties where such services are performed, shall deem just and proper.

Approved, March 16, 1854.

## Chap. 147

An Act concerning Roads in the Town of Harmony.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That all roads which may have been heretofore laid out by the road commissioners and supervisors, laying and running through the town of Harmony, which may have been surveyed, marked and properly described by metes and bounds, and recorded on the proper record, be, and are hereby declared legal highways.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, March 16, 1854.

An Act to provide for laying out a State Road therein named.

Chap. 148

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That James Darley, H. H. Brannon and Justice De Cehort, be and are hereby appointed commissioners to lay out and establish a state road, commencing at Platteville, Grant county, and running thence, on the most direct and practicable route, to Shullsburg, Lafayette county.

Sec. 2. No expense for laying out this road shall be paid out of the state treasury.

Approved, March 16, 1854.

An Act concerning Corporation Officers of the Village of Berlin, in Marquette County.

Chap. 149

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That hereafter at each annual election for corporation officers in and for the village of Berlin, in Marquette county, there shall be elected only a president, two trustees and one assessor, who shall hold their offices for the same time, discharge the same duties, and in the same manner as is provided in section 18, chapter 52, of the revised statutes, all laws to the contrary notwithstanding.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, March 16, 1854.

An Act to amend an act, entitled "An Act to authorize Henry Thein to build and maintain a Dam on the Milwaukee River," approved March 25, 1843.

Chap. 150

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. So much of section two and three of said act as relates to the maintainance of locks and slides in said dam, is hereby repealed.

SEC. 9. This act shall take effect from and after its passage.

Approved, March 16, 1854.

**Chap. 150** An Act to amend an act, entitled "An Act to authorize Henry Thein and his associates to build a Dam across the Milwaukee River," approved March 12, 1851.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections three and four of said act are hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 16, 1854.

**Chap. 152** An Act to authorize the City of Fond du Lac to loan its credit to aid in the construction of Railroads.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Council may  
loan credit of  
city.

SECTION 1. The city council of the city of Fond du Lac, are hereby authorized to loan the credit of said city, by issuing its bonds to aid in the construction of railroads, leading into or from said city, and particularly the Rock River Valley Union railroad company, the Milwaukee, Fond du Lac and Green Bay railroad company, the Sheboygan and Mississippi railroad company, and a railroad company running westerly or north-westerly from said city, and to any other railroad company running to or out from said city, when said companies or either of them shall be duly incorporated and organized: *Provided*, That there shall not be loaned to either one or all of said companies an amount exceeding the sum of two hundred thousand dollars, and, *provided, also*, that no portion of the bonds issued in pursuance of the provisions of this act, shall be issued or delivered, except upon the terms and conditions, and in the manner prescribed in this act.

Proviso.

Time bonds to  
run.

SEC. 2. Every bond authorized by this act shall be for a term of not less than ten, nor more than twenty years, for a rate of interest not exceeding seven per cent. per annum, payable semi-annually, both interest and principal payable in the city of New York, and shall be signed by the mayor of said city and countersigned by the clerk of said city, under the corporate seal of the city.

SEC. 3. Before the issue to any railroad company of any bonds in pursuance of this act, such railroad company shall execute and deliver to the treasurer of the city, for the use and benefit of said city, the bond of such company, under the proper legal authority of its board of directors, signed by their president and countersigned by their secretary, under the corporate seal of the company, in a penal sum of at least double the amount of the par value of the bonds proposed to be issued to such company, with the conditions and covenants, that such company shall punctually pay and discharge the principal and interest moneys of such bonds as they shall severally become due and payable, and shall also fully indemnify and save harmless the said city against all payments, liabilities, losses, damages, costs and expenses which it may incur or sustain in consequence of the issue and delivery of such bonds, or any one or more of them.

SEC. 4. To secure the performance of the covenants and conditions of the bonds mentioned in the preceding section, such company shall at the same time execute and deliver to the treasurer of the said city, for the use and benefit thereof, a mortgage executed in due form of law, of the first section or division of the railroad, of the said railroad company, next to the city of Fond du Lac, in length not less than ten miles and not exceeding fifty miles, which mortgage shall convey such portion of such railroad, its equipments, real estate, buildings, personal property and franchises, as well that thereafter to be acquired and constructed as that already acquired or constructed, and shall contain therein covenants of warranty of the title thereto, and shall be the first mortgage or lien upon said property, subject only to a first and prior mortgage of the same property, for a sum not exceeding ten thousand dollars per mile for every mile of road embraced therein, to be ascertained by dividing the aggregate amount of the par value of the bonds, secured by such prior mortgage, by the number of miles of the road embraced in the same.

SEC. 5. It shall be the duty of the said city council, and they are hereby authorized to require and receive from any such railroad company, before the issue and delivery of any of the bonds mentioned in the first and second sections of this act, such further and additional security or securities, either personal or real, as may, in the judgment of the city council be requisite to fully secure and indemnify said city against all liabilities on the bonds proposed to be issued to such railroad company; and in case of the

default or neglect of any such railroad company to pay the whole or any part of the principal or interest moneys of the lands issued to such company, the said city council shall have power to collect or foreclose the bond and mortgage executed by such company to said city, and also to collect, sell, or dispose of all and every security received from such company, and apply the proceeds thereof in payment of the interest or principal of such bonds, and said city council may from time to time surrender, release and discharge, all and every such additional security, and receive such other securities in lieu thereof, as in the judgment of the said city council may be safe and proper. The city council shall not in the same ordinance or resolution, nor at the same meeting, authorize the issue or delivery of any of its bonds to more than one railroad company, nor shall any ordinance or proposition providing for the issue or delivery of such bonds, be submitted to the voters of said city for their approval, within twenty days after any other ordinance or proposition providing for the issue or delivery of any lands to the same, or any other railroad company, shall have been submitted.

Ordinance providing for issue of bonds to be submitted to voters of said city.

When bonds to be delivered.

SEC. 6. No bonds shall be delivered to any railroad company, until at least ten miles of that portion of road mortgaged to the said city, by said company, to secure the payment of said bonds, shall have been constructed by such company, nor thereafter shall they be delivered faster than the work of construction of such portion of said road shall progress; nor shall there at any time have been delivered to such company more than five thousand dollars in value of bonds for every mile of such portion of road constructed; but such bonds may issue: *Provided*, other securities shall be furnished therefor, or in lieu thereof to the satisfaction of the city council.

City pledged for payment.

SEC. 7. The faith of the city of Fond du Lac is hereby irrevocably pledged for the full and punctual payment of the principal and interest of every such bond which shall be issued in pursuance of this act; and the city council of said city shall have the power to provide for the payment of the whole, or any part of said principal and interest; and it shall be the duty of said city council to provide for the payment of any portion thereof, which shall not be paid or provided for by any railroad company, to which the same may have been delivered, by levying and collecting, from time to time, such special tax or taxes on the real and personal property in said city liable to city taxes, as may be sufficient to pay and discharge the same, which

taxes shall be levied and collected in the same manner as the city taxes.

SEC. 8. Before the issue or delivery of any bonds to any railroad company, in pursuance of this act, the ordinance providing for such issue or delivery, shall be submitted to and approved by the voters of the city of Fond du Lac, at an election for that purpose to be called by the city council of said city, of which at least two weeks' notice shall be given, by publishing the same, together with a copy of the ordinance, in one or more of the newspapers published in said city; such election shall be held at the usual place of holding elections in the city, and shall be conducted, and the votes returned and canvassed, in the same manner as at other city elections; the vote at such election shall be by ballot, on which shall be written or printed the words, "For the railroad ordinance," or the words, "Against the railroad ordinance;" and if a majority of the whole number of votes cast at such election, shall be "for the railroad ordinance," then the bonds, for the issue or delivery of which shall be provided in such ordinance, may be issued and delivered, and not otherwise.

Approved, March 16, 1854.

An Act to incorporate the Mississippi and St. Croix Valley Railroad Company. Chap. 153

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Hercules L. Dowsman, H. A. Wright, Thomas Hood, David S. Vittum, Edward M. Hunter, R. F. Wilsnn, Geo. Gale, Bostwick O'Connor, Alfred Day, W. M. Torbert, A. D. Gray, W. S. Gibson, Otis Hoyt, Robert C. Van Ransseler, Jackson Hadley, and Benjamin Allen, are hereby created a body corporate, by the name, style and description of the Mississippi and St. Croix Valley Railroad Company, with perpetual succession, and by that name shall be, and are hereby made capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements, herditaments, so far as may be necessary for the purpose of constructing a railroad, as herein-after set forth, and the same to lease, sell, grant, or in any manner dispose of, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a common seal, the same to alter or renew.

at pleasure, and generally may do and perform all and singular the acts and matters which to any corporation shall lawfully appertain to do, and perform for the well being of said corporation.

Amount of  
capital stock.

SEC. 2. The capital stock of said corporation shall be two million dollars, and shall be divided into shares of one hundred dollars each, and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for receiving subscriptions to the capital stock of said corporation; and shall prescribe the form of such subscriptions; which books shall be opened within three months from the passage of this act, at such place or places as they may deem expedient, by giving ten days' notice in a newspaper, published in the county of Crawford or La Crosse, of the time and place of opening said books, or by notice in writing, or by agreement, of a majority of the said corporators, as they may elect.

Organization  
of company.

SEC. 3. So soon as fifty thousand dollars or more of the capital stock of said corporation shall be subscribed, and five dollars on each share paid thereon, the above named corporators, or a majority of them, shall give notice to the stockholders in such manner as they may determine, of the time and place for holding a meeting of the subscribers or stockholders, to choose directors for the said corporation; and the said stockholders may, at such meeting, proceed to elect not less than nine, nor more than fifteen directors from the said stockholders, by ballot; each share of stock shall be entitled to one vote, and the corporators mentioned in the first section of this act, or each of them as are present at the said meeting, shall be inspectors of such election, and shall certify in writing what persons are elected directors, and shall appoint the time and place for holding the first meeting of the board of directors, at which meeting a majority shall form a quorum competent to transact the business of said company, and thereafter an election of directors shall be held annually, at such time and place as the stockholders shall at their first meeting determine, and in case the stockholders shall fail to appoint the time and place of said meeting, and shall give thirty days' notice in a newspaper, published in either of the counties of Crawford, La Crosse or St. Croix, of such meeting, and in case no election is held on the day appointed, the same may be held at another time, on notice as aforesaid, and until such election is held, the directors of the preceding year shall continue to act until an election has been held, and other directors elected in their stead.



*Provided*, that in case of vacancy from death, removal or resignation of any director, such vacancy may be filled by a majority of the board of directors.

SEC. 4. The affairs of said company shall be managed by a board of not less than nine, nor more than fifteen directors, who shall be chosen annually by ballot, as herein prescribed, by the stockholders of said company, the votes to be delivered in person, or by proxy duly authorized, which directors shall appoint one of their number president, and one vice-president, who shall respectively serve for one year, or until other directors are elected.

SEC. 5. A majority of the board of directors shall be a quorum for the transaction of any business; they shall meet at such times and places, and be canvassed in such manner as they shall decide upon; they shall elect by ballot, one of their own number to be president, who shall, when present, preside at all meetings of the directors and stockholders, and, when absent, the vice president shall discharge the duties of president; and in case of the absence of the president and vice president, the directors may appoint a president, *pro tem.*, who shall discharge the duties of president, during the absence of president and vice president. The said directors may appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary—fix their compensation, and may demand adequate security for the performance of their respective duties and trusts, and may fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books under their own direction or the direction of a majority of them, or under the direction of such person or persons as they may designate; they shall prescribe the time, manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalment so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, co-partnerships or corporations whatsoever, as the execution and management of the works, convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing or purchasing the whole or any part of any railroad constructed or to be constructed by such railroad

How affairs to be managed.

Transaction of business.

company; to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this state, as they shall think necessary for the well-ordering of the affairs of said company, and in general to superintend and direct all of the appropriations, receipts, disbursements, and all other affairs and proceedings of said company.

Shall issue certificates to stockholders.

SEC. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the president and secretary, and sealed with the common seal of the company, subject, however, to all the payments due, or to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Annual meeting.

SEC. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year. Special meetings of the stockholders may be called by order of the directors, or by stockholders, holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders, shall attend in person or by proxy.

Route of road.

SEC. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such point in Prairie du Chien, in Crawford county, to such point on Lake Saint Croix, through the village of La Crosse, in La Crosse county, and the village of Prescott, Pierce county, as shall be determined upon by the board of directors; and the said company shall have power to transport, take and carry property and persons upon such road, by any power and force whatever, and to make, construct and put in operation all such turn-outs, side-tracks and connecting tracks, as they shall think will promote the interests of the company, and to erect and construct all such depots, station-houses, ware-houses, car-houses and shops, engine-houses and shops, toll-houses, machine-shops, and all other fixtures, useful for the accommodation of said road and of those using it; to manufacture or purchase all necessary engine-tenders, cars and other conveniences for running said road; and they shall have power to connect the said railroad with any railroad or branch railroad in in this state coming in contact with

Powers of company.

it, and to operate the same in connection with such other railroad or branch railroad; to lease or purchase from any other railroad company, the whole or any part of any railroad or branch railroad, owned by such company; or to lease or to sell to any other company, the whole or any part of the railroad to be built or owned by this company.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity, to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party, of whom such money may be obtained, any laws on the subject of usury, in this state or any other state where such transactions may be had, to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment or running of said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said company are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts. May borrow money.

SEC. 10. If said corporation shall not, within three years from the passage of this act, commence the construction of said road, then the rights, privileges and powers of said corporation, under this act, shall be null and void. Road. when to be commenced

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width, along the line of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized, by their officers, engineers, agents and servants, to enter upon land adjacent to the railroad, beyond the limits of one hundred feet, in the manner provi- May take land for construction of road.

ded in this act, when necessary for the purpose of erecting depot-buildings, station-houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth, gravel and stones, taken from cuts, and to obtain earth, gravel, and other materials, for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage; and all damage which shall be done to any lands or property, under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damage shall have been paid or tendered, the title to the lands occupied by such buildings, fixtures, excavations and embankments, shall vest in fee simple in said company, or agreeable to the provisions of this act, and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to said road, for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Compensation  
for lands so  
taken.

Amount of compensation  
to be paid for said lands,

In case of disagreement as  
to value of  
land.

Sec. 12. The said company shall have the right to enter upon any lands required for their use, as provided in this act, and to survey and lay out said road, not exceeding two hundred feet in width, and the said company shall, if possible, agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman; and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitrators in the manner following, to wit: the said company shall select a disinterested arbitrator, and such owner, guardian, or husband, shall select another, who shall be disinterested, and not of

in to him, or, if they should neglect or refuse for the space of three days after being notified by said company to do, or if they be non-residents of this State, they shall be notified by mail, by letter, signed by the secretary, and addressed to their usual place of residence, to elect such arbitrators, and if they shall refuse or neglect, or the space of sixty days after mailing such letter, then in all cases of neglect and refusal, as aforesaid, the judge of the circuit court of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimant, or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company, to such persons for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators, shall be more than said company shall have previously offered to pay, then said company shall pay all the expenses of said arbitration, and if it shall be less, then the other shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same to the circuit court of such county, by giving written notice of such appeal; it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration; and the said court shall thereupon proceed to render judgment in favor of such claimant against said company, and if the account so found for said claimant, shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs; and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs, and against said claimant; and when such compensation so to be ascertained, according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said company in fee simple, and a copy of such award or judgment shall be filed in the office of register of deeds of the county in

which the lands lie, shall be sufficient evidence of such title, and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said lands, for all the lawful purposes of said corporation, and they shall not while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either at law or equity.

Property of  
stockholders  
liable for debts

SEC. 13. The property of every individual invested in said corporation, shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, that all debts and unpaid stock due said company, shall be first paid.

Tolls.

SEC. 14. On the completion of said railroad on any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall from time to time think reasonable.

May consolidate  
with other  
companies.

SEC. 15. The said company shall have power to connect said railroad, and operate the same with other railroads in the State of Wisconsin, and consolidate the capital stock of said company with the capital stock of any railroad company with which the road of said companies shall intersect; and shall have full power to place the road of the company and its capital stock so consolidated, under the direction of a joint board of directors, of not less than nine nor more than fifteen, to be chosen as the directors of the companies consolidating their capital stock, shall direct and agree upon.

Shall make  
good and sufficient  
passages  
over or under  
aid road.

SEC. 16. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary, to enable the occupants of said land to pass over or under the same, with wagons, carts and implements of husbandry, as occasion may require, and when required by said owners or occupants: *Provided*, that said company shall in no case be required to make more than one such passage-way for each farm, and when any public road shall cross said railroad in any farm, the person owning or possessing such farm, shall not be entitled to require said company to make any additional causeway, and that said company shall have the right and authority

In case of  
agreement  
to value  
land.

to construct the said railroad upon, along, across, over or under any public or private highway, road or street, and over any stream of water, or water-course, if the same shall be necessary.

SEC. 17. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term not less than one, nor more than five years, at the discretion of the court; and in case any damage shall result from the placing of such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of placing such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured hereby, and in case any accident shall happen in consequence of breaking or injuring said road, whereby death may be produced, the party so offending, shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such case made and provided.

Penalty for obstructing road.

SEC. 18. The said company shall have power to erect such bridges over Chippewa river as said company may deem proper for the use of said road: *Provided*, That in all such bridges there shall be a draw of at least sixty feet in length, which shall be open at all times, when necessary for the passage of boats and rafts, except when the cars are crossing said bridges.

Bridges.

SEC. 19. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad, for the purpose of procuring earth, stone, or other materials for the construction and repair of said road or buildings, and fixtures connected therewith; and whenever such land shall no longer be needed for the purpose aforesaid, the said company are hereby authorized to sell and convey the same.

May take stone or other materials.

SEC. 20. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin, shall be received as evidence thereof.

Declared a public act.

State lands.

SEC. 21. In case the said company shall locate the line of their railroad, on any lands other than school lands, belonging to the state, the said lands, to the extent of two hundred feet in width, along the line of said road, are hereby granted to said company, in fee simple, together with such other lands adjacent to said railroad, beyond the limits of said two hundred feet, as shall be necessary for the purpose of erecting depot-houses, buildings, station-houses, and necessary fixtures, or of obtaining earth, gravel, or other material for such embankments and structures necessary to the construction and repairs of said road.

May increase capital.

SEC. 22. The directors of said company, at an annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said railroad.

Shall fence road.

SEC. 23. Said company before opening their road through enclosed grounds, shall erect such fences as shall preserve such enclosures entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed grounds, and shall maintain the same.

Approved, March 16, 1854.

## Chap. 154

An Act to incorporate the Delton Academy.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. That Rev. P. Conrad, H. Topping, H. W. Curtis, C. H. Gould, J. Van Deren, E. H. Topping, P. S. Fenton, A. H. Thomson, and C. H. Topping, with such other persons as may hereafter be associated with them, be, and are hereby created a body politic, with perpetual succession, to be styled by the name and title of the Delton Academy, by which name they and their successors shall be ever known, and shall have power to sue and be sued, contract and be contracted with, to plead and be impleaded, to defend and be defended in all courts of law and equity; said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy personal property and real estate, and to sell and convey, rent, or otherwise lawfully dispose of at pleasure.

Stock.

SEC. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal



property, and shall be transferable on the books of said corporation in such manner as shall be directed in the by-laws of said corporation.

SEC. 3. Any three of the above named persons shall have **Meetings** power to call a meeting of said corporation by giving ten days notice thereof, by posting up notices in three different public places in the village of Delton, where said corporation is located.

SEC. 4. At the first legally notified meeting of the stock- **Officers** holders, they shall have power to select by ballot six trustees, with power to increase the number at any subsequent annual meeting to eighteen, one-third of said trustees shall hold their office one year, one-third two years, and one-third three years, so that one-third of the trustees shall be elected annually: *Provided*, all trustees shall hold their office until they are superceded by the election of others.

SEC. 5. At all the elections and meetings of the corpora- **Votes** tion, each stockholder shall be entitled to one vote for each share of stock owned by such stockholder.

SEC. 6. The trustees shall have power: 1st. To select of **Powers of trustees** their number a president, a secretary and treasurer, and all other subordinate officers of the corporation: 2d. To call special meetings of the stockholders, and to fill vacancies in the board of trustees. 3d. To purchase, rent, or erect and keep in order all buildings necessary for the use of said corporation, in such manner as described by the stockholders. 4th. To employ suitable teachers, to prescribe the course of study and discipline to be observed in said academy. 5th. To prescribe the duties and fix the salaries of all persons in the service of said corporation, and to suspend or remove from office or service for incapacity, immoral conduct, or misbehavior in the discharge of service, and to appoint others in their stead. 6th. To make all regulations and by-laws necessary and appropriate to carry into effect the powers therein granted and not inconsistent with the constitution and laws of this state.

SEC. 7. The academy shall be open alike for the reception of all applicants of good moral character.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved, March 16, 1854.

**Chap. 155** An Act to authorize the construction of one or more Branch Roads across Duck Creek Marsh, and the Marshes adjacent thereto.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**May construct branch road.**

**SECTION 1.** The Fort Winnebago and Duck Creek plank road company are hereby authorized to construct one or more branches, from their plank road across Duck Creek marsh, and the adjacent marshes, to connect their road with other public highways leading thereto, with the same privileges and immunities and under the same restrictions contained in an act entitled "an act to incorporate the Fort Winnebago and Duck Creek plank road company," approved February 9th, 1850, and the amendments thereto. All the provisions contained in said act and amendments shall be applied to and regulate such branches so far as the same may be applicable.

**Terminus.**

**SEC. 2.** The stockholders of said company are hereby authorized and empowered to fix the terminus of their plank road at any point on the highlands on the south side of Duck Creek, and also to fix the northern terminus of said road at any point in Portage city: *Provided*, it be done by a majority of all the legal votes of said company, at any regular meeting, or at any special meeting duly notified for that purpose: *Provided*, said branch roads are constructed and finished within two years from the passage of this act.

**SEC. 3.** This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

**SEC. 4.** This act shall take effect from and after its passage.

Approved, March 21, 1854.

**Chap. 156** An Act concerning Taxes in the Counties of Pierce, St. Croix and Polk.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**To whom taxes to be paid.**

**SECTION 1.** The counties of Pierce and Polk shall pay over to the treasurer of the county of St. Croix, and it is hereby made the duty of the treasurer and board of county supervisors to pay or cause to be paid from the treasury of their respective counties, all taxes assessed for county pur-

poses for the year eighteen hundred and fifty-three, together with all delinquent taxes assessed for county and state purposes for the years eighteen hundred and fifty, eighteen hundred and fifty-one and eighteen hundred and fifty-two, or the amount thereof, on or before the first day of July next. The board of county supervisors of St. Croix county are hereby authorized to sue the counties of Polk and Pierce respectively, in law or equity, if the above mentioned moneys are not paid on or before the said first day of July next.

SEC. 2. All lands and real estate sold for the non-payment of taxes, and bid off by the clerk of the board of county supervisors of the county of St. Croix, for the county of St. Croix, according to law, shall be vested in the said county of St. Croix as full and to all intents shall be as valid as if the counties of Pierce and Polk had never been organized—any law to the contrary notwithstanding.

SEC. 3. This act shall be published, and be in force from and after the passage thereof.

Approved, March 21, 1854.

[Published March 24, 1854.]

An Act to establish the Onalaska Academy.

Chap. 157

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Charles M. Nichols, Hiram Walker, Nathan I. Tompkins, Baint S. Newcomb, Oscar Pier, Robert T. Lawton and Robert C. Van Ransler, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body politic and corporate, with perpetual succession, to be styled by the name and title of "The Onalaska Academy," by which name they and their successors shall be forever known; and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and equity; said corporation may have a common seal, and shall have power to acquire, purchase, use, receive, possess, hold and enjoy property, real and personal, and to sell and convey the same, rent, or otherwise lawfully dispose of at pleasure.

SEC. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said

corporation, in such manner as shall be directed by the by-laws of said corporation.

**Meetings.**

SEC. 3. Any three of the above named persons shall have power to call a meeting of said association, by giving five days' notice thereof, by posting up notices, in at least three public places in the village of Onalaska, where said corporation is hereby located.

**Officers.**

SEC. 4. At the first legally notified meeting, the stockholders shall have power to elect by ballot six trustees, who shall be stockholders in said corporation; two of whom shall be elected for one year, and two for two years, and two for three years. And after the first election, the two trustees may be elected by the stockholders annually: *Provided, always*, that all trustees shall hold their offices until others are elected in their place.

**Votes.**

SEC. 5. At all elections and meetings of said company, each stockholder shall be entitled to one vote for each share owned by him.

**Powers.**

SEC. 6. The trustees shall have power: First. To elect from their number a president, secretary and treasurer, also to elect all other subordinate officers of the corporation. Second. To call special meetings of the stockholders to fill vacancies in the board of trustees. Third. To sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders; also to erect and keep in repair all necessary buildings for the use of said corporation. Fourth. To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said academy. Fifth. To prescribe the duties, and fix the salaries of all the officers of said corporation, and to remove and suspend them from office for incapacity, immoral conduct, or misbehaviour in office, and to appoint others in their place. Sixth. To make all such regulations and by-laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

Approved, March 21, 1854.

**Chap. 158**

An Act to amend an act, entitled "An act to incorporate the Northern Wisconsin Mutual Insurance Company," approved April 16, 1852.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**By what name to be known.** SECTION 1. The name of the Northern Wisconsin mutual insurance company, incorporated by an act of the legisla-

ture of this state, approved April 16th, 1852, is hereby changed to the Wisconsin Farmers' Insurance Company, and by that name and style shall be known in all courts and places whatever; and wherever the words "Northern Wisconsin Mutual Insurance Company" occur in said act, they shall be construed to mean the Wisconsin Farmers' Insurance Company, the same as if so expressed in said act.

SEC. 2. Section three of said act is hereby amended by **First directors.** inserting the names of Lucas M. Miller, Joseph Jackson, B. F. Moon, Mason C. Darling, James Duane Doty, John Bannister, Benj. S. Henning, George F. Wright, Walter H. Weed, I. H. Kimberly, Theodore Conkey, L. B. MacKinnon and Edward Eastman, as the first directors of said corporation, in the place of those named in the third section of said act, which said directors shall continue in office for the term of one year, or until others are chosen, and no longer; and the said directors herein named shall have and possess the same powers and authority as they would, if their names had been inserted in said section three of the act of incorporation.

SEC. 3. Section four of said act is hereby amended by **Amendatory section.** adding to it as follows: Any three of the directors may call a meeting of the board, by giving public notice thereof by publishing the same in some public newspaper printed in Oshkosh, for four successive weeks prior to the time of meeting; and five of the directors shall be a sufficient number to form a quorum for the transaction of business.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 21, 1854.

An Act to incorporate the Wisconsin Lead Company.

Chap. 159

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. John Bracken, William Ward, and Joseph **Body corporate.** W. Ward, their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the "Wisconsin Lead Company," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all courts of law and equity, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incidental to

corporations, for the purpose of mining, smelting, or manufacturing lead and other metals, and the ores of lead and other metals, in the town of Shullsburg, and county of Lafayette.

May hold real estate.

SEC. 2. Said corporation shall have power to purchase, hold and convey real estate: *Provided*, that the real estate held by said company at any one time, shall not exceed two hundred thousand dollars.

Meetings.

SEC. 3. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such time and place as they shall designate, and at such meeting, and at all other meetings duly notified, said corporation may make and alter such by-laws, rules and regulations, for the management of the business of said corporation as a majority may direct, not repugnant to the laws of this state, nor of the United States.

Stock.

SEC. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof in such manner as such corporation shall from time to time deem expedient.

SEC. 5. This act is hereby declared to be a public act, and the same shall be construed favorable in all courts and places whatever; and the same shall take effect and be in force from and after its passage.

Approved, March 21, 1854.

Chap. 160

An Act to authorize the towns through which the Taychedah and Green Bay Plank Road passes to subscribe stock therein, and aid in the construction thereof.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Towns may subscribe stock.

SECTION 1. That the supervisors of any town through which the Taychedah and Green Bay plank road may be located, or has been already located, by and with the consent of a majority of the legal voters of such town, to be expressed as herein provided, be and they are hereby authorized to subscribe in the name and for the benefit of such town to the capital stock of the Taychedah and Green Bay plank road company, an amount not exceeding twenty thousand dollars.

Authorized to borrow money.

SEC. 2. The supervisors of said towns, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money for which they shall issue the bonds or obliga-

tions of such towns, signed by the supervisors of the same, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest payable annually, at such place, and at such rate, not exceeding ten per centum per annum, as may be agreed upon, and such bonds or obligations may be made redeemable, at such time as may be deemed expedient by said supervisors, or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock, as said supervisors, and the officers of said company may agree.

SEC. 3. The supervisors of such towns shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers, and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein; and they shall also cause to be kept in the office of the town treasurer of their several towns, such books and entries as will fully exhibit all liabilities, receipts, disbursements, and the precise state of indebtedness of such towns arising under this act.

Shall keep an account.

SEC. 4. The faith of any town subscribing for stock under this act, and the net profits or dividend upon the stock so subscribed by said town, shall stand pledged for the payment of the indebtedness and interest which may become due from said town under this act, and it is moreover made the duty of the supervisors of such towns so subscribing under this act, to add and levy such per centum of tax upon the assessment roll of all the taxable property in such town, annually, in addition to the ordinary taxes of such town, to be collected as other town taxes, as shall be sufficient when added to the dividend or net profits aforesaid, to pay the accruing interest, expenses, discounts, or any loans arising out of the sale of said bonds or obligations, or in any manner arising under this act; and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so raised, when collected, like other taxes, shall be applied to the purposes aforesaid and none other.

Faith of towns pledged for payment of indebtedness.

SEC. 5. The supervisors of any such town so subscribing by themselves, or such agent or agents as they may appoint, shall have power to vote at all meetings of the stockholders of said plank road company, in proportion to stock owned by such town, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do; and the said super-

Towns to vote in proportion to amount of stock.

visors are hereby authorized whenever they deem the same expedient, to sell and transfer any and all stock owned by such town in said company, in order to pay off the indebtedness which may accrue under this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town, created under this act.

Question to be submitted to the electors of such town.

Notice to be given.

Form of ballot.

Supervisors to certify to posting notices.

SEC. 6. That before any stock shall be subscribed by the supervisors of any of the towns aforesaid to the said plank road company under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such town, in the manner following, to wit: On the written application to the supervisors of any such town, of ten or more qualified electors of said town, which application shall specify the amount of stock they desire said supervisors to subscribe to the capital stock of said company for the benefit of such town, it shall then be the duty of the supervisors of such town to give notice by posting up in five or more of the most public places in such town, at least ten days before the time specified in said notice for holding said election, a written or printed notice, setting forth that on a certain day, and at a certain place therein mentioned, an election will be held in such town for the purpose of deciding whether the supervisors of the town shall subscribe, in the name and for the benefit of said town, to the capital stock of the Taycheedah and Green Bay plank road company, the amount specified in the application aforesaid, which amount shall also be specified in the notice, an election shall be held and vote taken by ballot, and said election shall be conducted in all respects as provided for holding and conducting town meetings, and each voter shall deposit his ballot with the words written or printed on the same, "For Subscription," or "Against Subscription;" and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided for in this act, but not otherwise.

SEC. 7. The said supervisors, or one of them, shall make or cause to be made an affidavit or affidavits of the posting up of the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them or him deposited in the office of the town clerk of their respective towns, and recorded in his office; and the said affidavit or affidavits and applications, or certified copies of the same, or a certified transcript of the record



of the same, shall be taken and received in all courts of this state, as conclusive evidence to prove the facts set forth and contained in the same.

SEC. 8. Any two of the supervisors of the towns aforesaid, may do or perform any act or thing which said supervisors are by this act authorized or required to perform.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, March 22, 1854.

An Act to incorporate the United States Mining and Manufacturing Company. Chap. 161

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That Reuben Rowley, James Prentiss, John J. Ross and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of the "United States Mining and Manufacturing Company," and by that name shall have perpetual succession, and shall be competent to sue and be sued, in any court of equity or law, whatever; to have and use a common seal and to alter the same at pleasure, to establish and change any by-laws, for the government of said company; to purchase, hold and dispose of real estate, leases, mines, minerals and personal property, of what kind soever; to mine, smelt, work, manufacture and rend said minerals, and products thereof; to create, dispose of and issue such number of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have a right to pay in the stock of the corporation for such mining rights and interests in real estate as it may be deemed necessary to purchase for the prudent operation of the works of the company; and generally to have, enjoy and exercise all rights and privileges, incident to corporations. Body corporate.  
Powers.

SEC. 2. That whenever said company shall become possessed of mines, or mineral leases situate in this state or elsewhere, a separate and distinct interest of or in each mine or lease, may be created under some name to distinguish the same, and in like manner may organize under, and enjoy as a distinct branch interest, all rights and privileges named in the first section of this act. Separate organization.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 22, 1854.

**Chap. 162** An act to extend the time of collecting taxes in the town of Crystal Lake, Marquette County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The town treasurer of the town of Crystal Lake, in Marquette county, is hereby allowed until the second Monday of May next to collect the taxes in said town, and he is authorized to file his bonds with the county treasurer at any time before commencing the collection of said taxes, in the manner prescribed in the revised statutes.

SEC. 2. This act shall take effect immediately.

Approved, March 22, 1854.

**Chap. 163** An Act to amend Chapter 280, of the Private and Local Acts of the year 1853, and to legalize the organization of the Newark Academy Association.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That section one of chapter 280, of the private and local acts of the year 1853, is so amended as to read as follows: That William P. Barnes, L. F. Frisbey, H. D. Cramton, J. G. Whitcomb, A. H. Hays, William H. McCracken and E. C. Caldwell, and their associates and successors, are hereby declared and constituted a body corporate, by the name and style of the Newark Academy, to be located in the village of Newark, in the county of Washington, for the purpose of educating the youth of both sexes.

SEC. 2. That said society is hereby declared duly and legally organized to all intents and purposes.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 23, 1854.

**Chap. 164** An Act relative to the Counties of Chippewa, Clark and Jackson.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

What part to  
be attached to  
Clark.

SECTION 1. The town line between townships twenty-four (24,) and twenty five (25) north, hereafter shall be the boundary line between the counties of Chippewa and Jackson; and all that portion of the counties of Jackson and Chippewa, lying and being north of the town line be

tween townships twenty-three (23) and twenty-four (24,) and east of the range line between ranges four (4) and five (5) west, and south of the town line between townships thirty-one (31) and thirty-two (32) north, shall be and hereby is attached to and made a part of the county of Clark.

SEC. 2. At the general election of November next, the qualified electors of the county of Clark, as above bounded, shall have power to remove the county seat from its present location, on section two, of township twenty-four, of range two west, (Sec. 2, T. 24, R. 2 west,) to the west half of the northwest quarter of section number fourteen, of township number twenty-four, of range number two west, (the west half of northwest quarter of Sec. 14 of T. 24, R. 2 west.) When county to be removed.

SEC. 3. All votes given or cast upon said question of the removal of the county seat of said county of Clark shall be by ballot, which shall be either written or printed, or partly written and partly printed. Those voting for the removal of the county seat shall deposit a ballot in the following form: "For removal of County Seat," and those voting against the removal thereof shall deposit a vote in the following form: "Against removal of County Seat." Such votes shall be received and canvassed and the returns thereof made in like manner as votes or ballots are received and canvassed for county officers; and if there shall be a majority of all the votes polled in said county on that subject in favor of such removal of the county seat, the county seat of the county of Clark shall be located and established on the said west half of the northwest quarter of section fourteen, of township twenty-four, of range two west, (west half of northwest quarter of Sec. 14, T. 24 of R. 2 west.) And if a majority of all the votes polled on that subject shall be against the removal of said county seat, the same shall remain at its present location. Form of ballot.

SEC. 4. The county of Clark is hereby attached to the county of Jackson for judicial purposes. How canvassed.

SEC. 5. The county of Clark shall be and constitute one town, and the board of town supervisors shall be and constitute the board of county supervisors of said county. At the general election in November next, there shall be elected a register of deeds, clerk of the board of county supervisors, a county surveyor, a county treasurer, and such other county officers as shall be necessary to carry into operation a full and complete organization for county purposes. The returns of said election shall be made to the clerk of the board of town supervisors, who shall pro- Officers.

ceed to canvass the same both for county officers and relative to the county seat, in like manner as if he were clerk of the board of county supervisors, and shall issue certificates in like manner of the result of said election.

Sec. 6. This act shall take effect and be in force from and after its passage and publication.

Approved, March 23, 1854.

[Published June 1, 1854.]

## Chap. 165

An Act to incorporate the Young Men's Association of Madison.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

### Corporators.

SECTION 1. Benjamin F. Hopkins, Elisha W. Keyes, Charles T. Wakeley, Frank H. Firman, Henry E. Frink, Julius P. Atwood, Horace Rublee, Henry K. Holley, William A. White, DeWitt C. Pool, James Richardson, John R. Baltzell and A. B. Braley, with such other persons as may become associated with them for the purpose mentioned in this act, and their successors, are hereby created a body corporate and politic by the name of the "Young Men's Association of Madison," and by that name to remain in perpetual succession for the purpose of establishing and sustaining a reading room and library, and providing for and sustaining literary lectures and other means of intellectual improvement, with power for such purposes to take, purchase, devise, or otherwise, and to hold, transfer, and convey real and personal property to the value of ten thousand dollars; and also to take, hold and convey such cabinet, library, furniture and apparatus as may be necessary for attaining the objects and designs and carrying into effect all the purposes of said corporation.

### Powers.

### Ibid.

SEC. 2. Such corporation shall have power to adopt such constitution and by-laws as they may deem proper, and make such rules and regulations from time to time as may be necessary to carry into effect the first section of this act; and the estate, property and funds of said corporation shall be held and devoted solely to the purposes and objects mentioned in said section.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 23, 1854.

An Act to incorporate the German and English Academy in the City of Milwaukee, and to repeal an act to incorporate the Anglo-German Academy in the City of Milwaukee, approved July 13th, 1853. **Chap. 166**

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Christian Preusser, Charles E. Wendt, Clans **Corporators.**  
H. Heide, Mathias Stein, Henry Niedecken, Henry G. Post, Jacob Obermann, Daniel Shulz, Peter Engelmann, Gustav Pfeil, C. H. H. Papendiek, Edward Diederichs, Ferdinand Kuehn, their associates and successors, are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of the "German and English Academy in the City of Milwaukee," by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and to be contracted with, to plead and be impleaded, to defend and to be defended in all courts of law and equity. **Powers.**  
Said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey, to rent or otherwise dispose of the same at pleasure; also to borrow money for the use of said corporation, and to issue their bonds therefor, secured by mortgage on any of their real or personal property.

**SEC. 2.** Said association has for its object, to impart unto **Objects.**  
children of both sexes, between the ages of six and eighteen years, a thorough instruction in the elementary and higher branches of education; but no sectarian instruction, whatever, shall be given, and no religious test required of teachers or scholars of said association.

**SEC. 3.** Any person may become a member of this asso- **Membership.**  
ciation by a contribution of at least two dollars per annum, payable quarterly; and at every quarterly general meeting the candidates for membership shall be voted for by ayes and noes, and the candidate shall be deemed elected by a majority of the members present; but if requested by any two members, the vote shall be by ballot.

**SEC. 4.** The regular meetings of said association shall be **Meetings.**  
on the first Tuesday of January, April, July and October in each year; or on such other days as at a regular meeting shall have been determined upon. Ten members shall be present to constitute a quorum for the transaction of business, and all questions shall be determined by a majority of the members present at any meeting.

**SEC. 5.** The said corporation shall have a board of trus- **Officers.**  
tees, consisting of a president, secretary, treasurer and four

directors, who shall hold their offices for six months, and until others are elected.

Shall keep a record of proceedings.

SEC. 6. The board of trustees shall keep a record of all proceedings, transact all business, receive and approve the bond of the treasurer, and control all the affairs, funds, effects and property of said association. Said board shall appoint teachers and agree upon their salaries, and determine upon the contribution of the tuition fees, prepare the school regulations, and may if circumstances require, moderate or release the tuition fees: *Provided*, That a notice thereof be given at the next regular meeting.

Extra meetings.

SEC. 7. The president, when requested by two members of the board, or by any five members of the association, shall call an extra meeting, and the members shall be notified thereof by the secretary of the association. It shall be the duty of the board of trustees to render for examination a detailed report of all the affairs of the association at each regular meeting, and to do and transact all such other business, as may be determined in the by-laws of said corporation.

SEC. 8. Said corporation shall have power to make by-laws not inconsistent with this act, nor contrary to the constitution and laws of this state.

When association to be dissolved.

SEC. 9. If at any time hereafter the number of members of this association shall come down to less than ten, or whenever less than ten are willing to continue under this act, said association shall be considered dissolved; and in such case, all the real and personal property of said association shall revert to the common school fund of the state of Wisconsin, which shall be their sole and only heir.

SEC. 10. The act entitled "an act to incorporate the Anglo-German Academy in the City of Milwaukee," approved July 13th, 1853, is hereby repealed.

SEC. 11. This act shall take effect, and be in force from and after its passage:

Approved, March 23, 1854.

## Chap. 167 An Act to amend an act entitled an act to incorporate the Hubbarton Manufacturing Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of chapter seventeen (17,) of the private and local statutes of Wisconsin, approved February 10th, 1853, is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 23, 1854.

An Act to amend an act entitled "an act to consolidate and amend an act to incorporate the City of Milwaukee, and the several acts amendatory thereof." Chap. 168

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The aldermen of the second ward of the city of Milwaukee shall have power to authorize the owner or owners of lot number one, in block number forty, in said ward, and his, her or their heirs and assigns, to construct and maintain a flume from the end of the canal on the north side of Poplar street, in said ward, to the mill situate on said lot, on the south side of said street. May construct flume.

SEC. 2. Said flume shall be of such form and dimensions and shall be built in such manner as may be prescribed by the aldermen of said ward, and shall be kept in repair and be so secured and arranged as not to impede or interfere with the free use of said street by the public. Dimensions.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 23, 1854.

An Act to legalize the acts of the First Congregational Church at Lisbon, in Waukesha County. Chap. 169

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The organization of the said First Congregational church at Lisbon, and all and singular the acts and proceedings relating thereto, are hereby declared to be legal and valid, and all the acts and doings of said church, and of its officers, subsequent to the organization, are declared to be valid and binding on all parties concerned as if such organization, and the acts relating thereto, had been in all respects in compliance with the statute in such cases made and provided.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved, March 23, 1854.

## Chap. 170

An Act to incorporate the Depere Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Name of corporation.

SECTION 1. Joseph G. Lawton, of Howard, Brown county, and his associates, are hereby incorporated, under the corporate name of the Depere Company, with all the powers incident by law to a corporation.

Capital stock.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of ten dollars each, with power to increase the same by consent of three-fourths of the stockholders at any stated meeting, to any amount not exceeding two hundred and fifty thousand dollars.

Objects.

SEC. 3. The object of such corporation shall be the purchase of the real estate and water-power, together with the rights and privileges thereto belonging, of the estate known as the Lowery and Cox estate, and such other lands as may be to the interest of the company to acquire, and carry on any business to develop the value of their estate and property: *Provided*, the said corporation shall not own or possess over five hundred acres of land at any one time, (except the excess over that amount may have been purchased at sales under judgment decrees, or mortgages in favor of said corporation, or acquired by conveyance to it in satisfaction of debt previously contracted in the course of its necessary dealings.)

Proviso.

May borrow money.

SEC. 4. The said company in its corporate capacity may borrow any sums of money from any person or persons, corporation or body politic of any kind, at any legal rate of interest; and said company is authorized and fully empowered to mortgage their estate, property, rights privileges and franchises, or execute or deliver any other writing, note, bond, or other paper or securities, in amount and kind as may be deemed expedient by said company, in consideration of said loan, or as evidence thereof, or in discharge of any liabilities that it may incur in carrying on the business of said company.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 23, 1854.



An Act to lay out and establish a State Road from the Town of Lawrence, in Brown County, to Wolf River, in Outagamie County. **Chap. 171**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Woodford D. Jordan, Rendall Johnston and Andrew Marler be and are hereby appointed commissioners to lay out and establish a state road on the most practicable route from the town of Lawrence, in Brown county, to the Menomonee Shioc, or such other point as may be most practicable, on the Wolf river, in Outagamie county. Commission-  
ers.

SEC. 2. It shall be lawful for a majority of the said commissioners to lay out and establish the said road, and shall receive for every day engaged in laying out said road the sum of two dollars, to be paid by the counties through which the said road passes. Shall receive  
pay.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 23, 1854.

An Act to vacate a portion of a Street in Sheboygan.

**Chap. 172**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that portion of one of the streets in Ellis' addition to the village of Sheboygan, which is situate between lot number thirty-eight, on the south, and lots numbers thirty-seven and forty-one, on the north, is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 23, 1854.

An Act concerning the Shullsburgh Congregational Church.

**Chap. 173**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The "Shullsburgh Congregational Church," in the county of La Fayette, are hereby authorized to change at pleasure the number of trustees, without regard to the number of trustees appointed or elected at the organization of said Church. Such change shall in no case be made so that there shall be less than three or more than nine trustees.

SEC. 2. This act shall be printed immediately after its passage, and when so published shall take effect and be in full force.

Approved, March 23, 1854.

## Chap. 174

An Act to incorporate the Wisconsin Express Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

### Corporators

SECTION 1. James Holton, Joseph W. Haskin, Duncan C. Reed, Jackson Hadley, William C. Burrill, Charles H. Wheeler and William D. Bishop, and all such persons as shall hereafter become associated with them by subscription to the capital stock of the company, created by this act, and their successors and assigns, are hereby constituted and declared a body politic and corporate, by the name and title of the "Wisconsin Express Company," by which name said company shall ever be known; and shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts and places, and in all manner of actions and cases whatsoever; and may have and use a common seal, and may alter or change the same at pleasure, and may purchase, hold, and convey any estate, real, personal or mixed, for the use and benefit of said company.

### Style of company.

### Capital stock.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe.

### Business, how managed.

SEC. 3. The property and business of said company shall be managed and conducted by a board of seven directors, a majority of whom shall constitute a quorum for the transaction of business; who, after the present year, shall be elected annually by the stockholders in said company, on the first Tuesday in February of each year, and said directors shall hold their office for one year, and until others are chosen in their places; and it shall be the duty of the directors to notify the stockholders in said company of such annual meeting for the election of directors, by publishing a notice for thirty days preceding such election, in one or more daily newspapers printed in the city of Milwaukee, of the time and place, when and where, such election will be held; and at all elections for directors,

each stockholder shall be entitled to cast one vote for every share of stock which he may hold in said company, and may vote the same in person or by proxy duly authorized: *Provided*, no person shall be elected a director, who is not a stockholder in said company.

SEC. 4. The corporators named in the first section of this First directors.  
act, viz: James Holton, Joseph W. Haskin, Duncan C. Reed, Jackson Hadley, William C. Burrill, Charles H. Wheeler and Wm. D. Bishop, are hereby declared to be the first board of directors in said company, who shall hold their offices until the first Tuesday in February, in the year 1855, and until their successors shall be elected; and in case that from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time, on thirty days' notice being given, by publication in one or more daily newspapers printed in the city of Milwaukee, and until such election the director the preceding year shall continue to act, and this shall not be void by reason of any irregularity in, or of such election; and in case of a vacancy occurring in the board of directors, by the death or resignation of a director, such vacancy shall be filled by the remaining members of the board of directors by the appointment of a director from among the stockholders to fill the vacancy. Books for subscription to the capital stock may be opened at such times and places as the directors shall determine, and the payments received from such persons, and subject to such payment, as may be required by the board of directors.

SEC. 5. The board of directors of said company may May make by-laws, &c.  
make and adopt all such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be necessary to carry out the duties of the officers, and to conduct and manage properly the business of said company; and shall have power to call special meetings of the stockholders at any time, by giving notice thereof by publication in one or more daily papers printed in the city of Milwaukee, or by written or verbal notice to every stockholder of the time and place for such special meeting; and said board of directors shall also have power to Powers of company.  
sell, mortgage or otherwise dispose of the real, or personal property of said company, as shall be directed by the stockholders: secondly, to make contracts for the transportation of money, packages, goods, chattels and every description of property which may be intrusted to said company; thirdly, to adopt routes over which to prosecute the

carrying and express transportation business, to direct the management of the same, and to establish regular and uniform prices for transportation: fourthly, to elect a secretary and treasurer, and to appoint and employ all other such officers, messengers, agents and laborers as they may deem necessary for the transaction of the business of said company, and to prescribe the duties and compensation of all persons thus employed, and to remove the same at pleasure. And the directors shall also have power to decide upon the time, the number and the proportions in which the stockholders shall pay the money due on their respective shares of stock subscribed; and any stockholder refusing or neglecting to pay any instalment so required by the directors, for the space of thirty days after being so notified, shall forfeit to the use of said company all shares of stock on which the instalments so required remain unpaid.

President.

SEC. 6. The first board of directors at their organization, and their successors at their first meeting after the annual election, shall elect one of their number president, whose duties shall be as prescribed in the by-laws of said company.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

Approved, March 23, 1854.

Chap. 175 An Act to amend an act entitled an act to incorporate the City of Fond du Lac, approved March 19, 1852.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

#### CHAPTER FIRST.

#### *City and Ward Boundaries.*

Boundaries described.

SECTION 1. All that district of country included in the west half of the south west quarter of section two, all of fractional section three, the east half of the south east quarter of section four, the east half of the north east quarter, and the east half of the south east quarter of section nine, all of section ten, the west half of the north west quarter, and the west half of the south west quarter of section eleven, the west half of the north west quarter, and the west half of the south west quarter of section fourteen, all of section fifteen, the east half of the north east quarter,

and the east half of the south east quarter of section sixteen, in township fifteen, north of range seventeen east, in the Green Bay land district, shall be known and designated as the City of Fond du Lac; and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Fond du Lac, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted; and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SEC. 2. The said city shall be divided into three wards, **Wards** as follows: All that portion of said district which lies south of the following line, viz: Beginning on the east line of said corporation, at a point opposite the centre of Second street, in Darling's addition; thence westerly thro' the centre of said Second street to the U. S. military road; thence south westerly through the centre of said road to the centre of Slocum street; thence westerly on a line parallel to the centre of Slocum street to the west line of said corporation, shall be known and described as the First Ward. All that part of said district north of the aforesaid line, and south of a line commencing on the east line of said corporation, opposite the centre of Merrill street; thence westerly through the centre of said Merrill street to the west branch of Fond du Lac river; thence westerly parallel to said Merrill street to the west line of said corporation, shall be known and described as the Second Ward. The remaining portion of said city, lying north of last mentioned line, shall be known and described as the Third Ward.

SEC. 3. The city council shall have power to increase the number of wards, and change the line of division between said wards, as they may deem convenient and proper. **Wards may be increased.**

SEC. 4. The government of said city, and the exercise of its corporate powers, and management of its fiscal, prudential and municipal concerns, shall be vested in a mayor and council, which council shall consist of the aldermen from several wards of said city, and shall be denominated "City Council," and also such other officers as are **City government** here provided for.

## CHAPTER SECOND.

*Elections.***Annual elections.**

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the city council shall designate, and the polls shall be kept open from one o'clock in the forenoon till five o'clock in the afternoon; and ten days' previous notice shall be given by the city council of the time and place of holding such elections, and the city and ward officers to be elected.

**Elective officers.**

SEC. 2. The elective officers of said city shall be one mayor, one marshal, one superintendent of schools, one city treasurer, one city clerk, from the city at large; and three aldermen, one assessor, one constable and two justices of the peace, from each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the city council. All elective officers except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *Provided, however,* the city council shall have power for due causes, to expel any of their own number, and to remove from office any officer or agent, whether elected or appointed, under the city government, due notice being first given to the officer complained of. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified.

**Vacancies.**

SEC. 3. Whenever a vacancy shall occur in any office in said city, such vacancy shall be filled by the city council. The persons elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term of such office, and with the same rights and subject to the same duties and liabilities as the person whose office he may be elected or appointed to fill.

**Elections by ballot.**

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Where two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as they shall direct.

**Qualifications of voters.**

SEC. 5. All persons entitled to vote for county or ~~state~~ officers, and who shall have resided in the city six months preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any

officer to be elected under this law, and to hold any office hereby created.

SEC. 6. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oath or affirmation as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections; and shall have power to appoint clerks of such elections, and to administer the necessary oaths; said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors filled, as required by the laws of this state regarding elections. Manner of conducting elections.

SEC. 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such person shall require him to take the following oath: You do solemnly swear, (or affirm as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States, (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization;) that you have resided in this state one year, and in this city six months, and within this ward ten days next preceding the election; and that you have not voted at this election; and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending upon the result of this election. And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, he shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person otherwise duly qualified shall vote in any ward in which he does not reside, or shall vote more than once at any election, he shall be liable to indictment, as for a misdemeanor; and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk Illegal voting.  
List of votes sworn in.

shall not mark down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment therefor, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments, and all other indictments mentioned in this act, shall be found and tried in the circuit court.

Inspectors to make returns.

SEC. 8. When any election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such return to the city clerk, who shall forthwith give notice to each of the aldermen elected, of their respective elections. Within one week after any election, the city council shall meet and canvass said returns, and declare the result as it appears from the same.

Officers refusing to serve.

SEC. 9. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the city council shall proceed at the next meeting after such vacancy, to fill the same, as herein prescribed, and all such vacancies shall be filled by qualified electors residing in that ward where the vacancy may occur; but justices of the peace may hold their offices in any ward in said city.

Alderman.

SEC. 10. There shall be elected at the first election under this act, and at every annual election thereafter, three aldermen for each ward, one of whom shall be designated as "chairman" opposite his name on the votes; and each of the aldermen chosen as chairman, in said wards, shall be members of the county board of supervisors in and for the county of Fond du Lac, with all the rights, duties and liabilities of the chairman of the board of supervisors of the several towns.

Substitute for chairman.

SEC. 11. By consent of a majority of the aldermen of any ward, the alderman chosen chairman may substitute either of the other aldermen in said ward in his place, in said board of supervisors, for such time as may be named in writing, with such consent endorsed thereon.

Term of office.

SEC. 12. The term of office of every officer elected under this act, shall commence on the second Tuesday of April of the year for which he was elected; and shall, unless



otherwise herein provided, continue for one year, and until his successor is elected and qualified.

Sec. 13. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the city council may order a new election to be held, on giving ten days public notice in one or more newspapers published in said city. New elections may be held.

Sec. 14. The first election of officers under the provisions of this act, shall be held on the first Tuesday of April, 1854.

### CHAPTER THIRD.

#### *Officers—their powers and duties.*

Sec. 1. The mayor and aldermen must be freeholders within the city limits, and each of the aldermen must reside within the ward for which they are elected, and all their officers must be residents of the ward for which they are elected, and every person elected or appointed under this act to any office, shall before he enters upon the duties of said office, take and subscribe an oath of office, and let the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, clerk, marshal, and such other officers as the city council may direct, shall severally before they enter upon the duties of their respective offices, execute to the city of Fond du Lac a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum, and such conditions as the city council shall direct; and said council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. The justices of the peace elected under this act, shall have the same jurisdiction, and perform all the duties of justices of the peace, as provided by the general laws of the state, except that their official bonds shall be approved by a majority of the aldermen of the ward for which they are chosen. Oath & bonds

Sec. 2. The mayor shall be the chief executive officer and head of the police of the city. It shall be his duty to commend in writing to the city council such measures as he may deem expedient, he shall keep the seal of said city, sign all commissions, licenses and permits which may be granted by the city council; he shall endeavor to maintain peace and good order, and see that the laws of the Duties of mayor.

state and ordinances of the city are observed and executed, he shall have the power to administer oaths or affirmations, and to take and certify acknowledgments of deeds and other instruments in writing, and to prevent and suppress riot or other public disturbance, and he may appoint as many special constables as he may deem proper. The mayor shall have a vote in the council only in case of tie.

**President of council.**

SEC. 3. At the first meeting of the city council each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the city council; and during the absence of the mayor from the city, or his inability, from any reason, to discharge the duties of his office, the said president shall exercise all the powers, and discharge all the duties of the mayor. In case the mayor and president shall be absent at any meeting of the city council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president, or temporary presiding officer, while presiding over the board, or performing the duties of the mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

**Duties of clerk**

SEC. 4. The clerk shall keep all the papers and records of the city, and keep a record of the proceedings of the city council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the city councils, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced; he shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose. The clerk shall have power and authority to administer oaths or affirmations.

**Duties of treasurer.**

SEC. 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state; all monies raised, received, recovered, or collected, by means of any tax, license, penalty, fine, forfeiture, or otherwise under the authority of this act, or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom, except by an order signed by the mayor or acting mayor by order of the

city council, and countersigned and attested by the clerk. He shall keep an accurate account of all monies, or other things coming into his hands as treasurer, in a book provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums were received, which books shall at all reasonable hours be open to the inspection of any person having business therewith. He shall as often as the city council require, render to said council, a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all monies, books, papers and property in his possession, belonging to said city. The said treasurer shall also be the collector of taxes; and for his service, except as herein otherwise provided, he shall have the same powers, and be subject to the same liabilities, be governed by the laws, and receive the same compensation as treasurer of towns.

SEC. 6. The marshal shall perform such duties as shall be prescribed by the council for the preservation of the public peace, and the collection of license money and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed; and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city, or laws of this state, and forthwith bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have the power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

SEC. 7. The superintendent of schools shall perform all the duties, and shall have the same rights and powers within said city, and be subject to the same liabilities as superintendents of schools in towns; except that the bond required of said superintendent, shall be approved by the city council, and shall be filed with the city clerk, and except as otherwise provided in this act.

**Powers of council.**

**SEC. 8.** The city council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officer as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

**Laws and ordinances to be published.**

**SEC. 9.** The city council at their first annual meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings required by this act, or by the by-laws or ordinances of the city council, to be published in a newspaper.

**City printer.**

**SEC. 10.** The city printer, or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

**Officers to deliver up books to successors.**

**SEC. 11.** If any person, having been an officer in said city, shall not within ten days after notification and request deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, or shall willfully retain the same, he shall forfeit and pay to the use of the city, one hundred dollars, beside all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such book, papers and effects in the manner prescribed by the laws of this state.

**Alderman not to be party to contract.**

**SEC. 12.** No alderman shall be a party to, or pecuniarily interested in, any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the city council may sue for and recover the amount so paid, from the parties to such contract, and the aldermen interested in the same.

**Officers of the peace.**

**SEC. 13.** The mayor or acting mayor, sheriff of Fond du Lac county, and each and every alderman, justice of the

peace, marshal, constable and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behaviour within the limits of said city; and for such purposes may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riotous and disorderly behaviour, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Sec. 14. There may be elected by the city council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the city council shall prescribe his duties, and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city, or either of the wards, shall be the property of the city, and shall be carefully preserved in the office of the city clerk, open to the inspection of persons interested.

#### CHAPTER FOURTH.

##### *The City Council—its general powers and duties.*

Sec. 1. The mayor and aldermen shall constitute the city council, and the style of all ordinances shall be—"The mayor and city council of the city of Fond du Lac," ordain, &c. The city council shall meet at such time and place as they by resolution shall direct, but they shall hold stated meetings on such days as the mayor and city council shall determine; the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their usual place of residence. A majority of aldermen shall constitute a quorum.

Sec. 2. The city council shall determine the rules of its proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

Sec. 3. The city council shall have the management and control of the finances, and of all the property of the city; and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend

Shall judge of election of members.

Powers of common council.

and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances rules and by-laws are hereby declared to be, and have the force of law: *Provided*, that they be not repugnant to the constitution and laws of the United States, or of this State; and for such purposes shall have authority by ordinary resolutions and by-laws:

1. To license and regulate the exhibition of common showmen, and shows of any kind, or the exhibitions of caravans, circuses, or theatrical performances; and to provide for the abatement and removal of all nuisances, under the ordinances, or at common law; and to grant licenses, and to regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous, or fermented liquors: *Provided*, that the license for so dealing in or vending such liquors shall be thirty dollars or less a year, and that no licenses shall be granted for a less time than one year.

2. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming, and all horse racing in said city, and to restrain any person from vending, giving away, or dealing in spirituous liquors, fermented or vinous liquors, unless duly licensed by the city council.

3. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming.

4. To compel the owner or occupant of any grocery cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or any unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5. To direct the location and management of slaughter houses and markets, and to establish rates for; and license vendors of gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

6. To prevent the encumbering of the streets, side-walks, lanes or alleys, with carriages, carts, wagons,

sleighs, boxes, lumber, firewood; or any other materials or substances whatever.

7. To prevent immoderate riding or driving in the streets, and to regulate the places of bathing or swimming in the waters within the limits of said city.

8. To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same.

9. To prevent the running at large of dogs, and to authorize the destruction thereof in a summary manner, when at large contrary to any ordinance.

10. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unwholesome, or unsound beef, pork, fish, hides, or skins of any kind; and in default of such person, to authorize the removal thereof by some competent officers, at the expense of such person or persons.

11. To make and establish public ponds, pumps, wells, fountains, cisterns and reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants, to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, and draymen in the city; and to provide for lighting the streets, public grounds, and public buildings, with gas or otherwise.

12. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds from taxation.

13. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

14. To prevent all persons riding or driving any mule, cattle, horse, or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks.

15. To prevent the shooting of firearms, or crackers, and to prevent the exhibition of any fireworks in any place which may be considered by the council dangerous to the city, or any property therein, or annoying to any citizen thereof.

16. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for

arresting, removing, and punishing any person or persons who may be guilty of the same.

17. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to regulate the police of the city.

18. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

19. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions.

20. To regulate the place and manner of weighing hay, and selling the same, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

21. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

22. To regulate the construction of piers or wharves extending into Lake Winnebago, and on the Fond du Lac river, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon.

23. To regulate, control and prevent the landing of persons from boats and vessels, whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

24. To regulate the time, place and manner of holding public auctions or vendues.

25. To appoint watchmen, and prescribe their duties.

26. To provide by ordinance for a standard of weight and measures, and for the punishment of the use of false weights and measures.

27. To protect trees and monuments in said city.

28. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers within said city.

29. To lay out, make, open, keep in repair, alter or di



continue any highways, streets, lanes, alleys and sidewalks, and bridges, and to keep them free from incumbrances, and to protect them from injury.

30. To cause all out or in lots within said city, of less size than ten acres each, that have not been platted and recorded by the owners thereof, as required by law, to be platted and recorded by authority of the board, and to tax the charges for the said service against the lot or lots so platted and recorded; to be collected the same as other corporate or general taxes.

31. To have a common seal, and to alter the same at pleasure.

SEC. 4. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the city council, and shall be signed by the mayor, and shall be published in the official papers of the city before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times such affidavit or records shall be deemed and taken as sufficient evidence of the facts contained therein. Laws and ordinances.

SEC. 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Depots, houses or buildings of any kind, wherein more than ten pounds of gun-powder are deposited, stored or kept, at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses and places where spirituous, vinous or fermented liquors are sold, without the licenses therefor required, within the limits of said city, are hereby declared and shall be deemed public or common nuisances. What are deemed nuisances.

SEC. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, school superintendent, street commissioners of each ward, marshal, constables and all other officers and agents of the city, at such times as they may deem proper; and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired, and the city council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such ex- Accounts how detailed.

amination and settlement; and if any such officer or agent shall refuse to comply with the orders of the said council in the discharge of their said duties, in pursuance of this section, or shall refuse or neglect to render his accounts, or present his books and vouchers to said council, it shall be the duty of the city council to declare the office of such person vacant. And the city council may order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

#### CHAPTER FIFTH.

#### *Finances and Taxation.*

How money shall be drawn from the treasury.

SECTION 1. All funds in the treasury, except school, state and county funds shall be under the control of the city council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the city council, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable out of such funds as may be ordered by the council, in the hands of the treasurer, and all such orders shall be received in payment of any tax raised for the fund upon which they may be drawn. All orders shall be payable to the order of the person in whose favor they may be drawn and shall be transferred by endorsement.

Power to levy taxes.

SEC. 2. For the discharge of any debts against said city, or expenditures authorized by the city council under the provisions of this act, or ordinance of said city, or to defray the current expenses of said city, the city council shall have power to levy and collect annually, a tax on all such real and personal property, or capital of any kind within said city, subject to taxation by the laws for levying taxes for this state for the time being. But such tax shall not exceed three mills per annum of the assessed value of such property.

Ward tax.

SEC. 3. The city council may also, if deemed necessary, annually levy upon the property liable to taxation in each ward, a ward tax not exceeding two mills per annum, to pay the indebtedness, or defray the current expenses of such ward.

Special taxes.

SEC. 4. Special taxes for purchasing fire engines, buckets, hooks and ladders, and other instruments for suppressing fires; the purchase of materials, and the erection of engine houses, and the purchase of lots for the same, or

for the purchase of lots in a cemetery, and for improving the same for the burial of the dead, may be voted by the council at any regular or special meeting; but no such vote shall be taken, unless such tax be first recommended by the city council, and a notice of the same, specifying the purposes for which said tax is to be raised, and the time and place for voting, be published at least one week before such meeting of the board, in some newspaper in said city.

Sec. 5. Real estate exempted from taxation by the laws of this state, shall be subject to local taxes for the building and improving of sidewalks.

Sec. 6. The alderman of any ward shall certify to the council any debt contracted by such ward for the current year, and thereupon the said council shall, (if such debt be a proper claim against such ward,) allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amount of debt allowed: *Provided*, the said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward, to exceed the amount of tax which may be levied and collected under the provisions of this chapter, to meet the expenses of the current year, assuming as a basis the assessment roll of each year, if then made out, and if not, then the assessment roll of the preceding year.

Debts shall be certified to by an alderman.

Sec. 7. No alderman of any ward shall contract debts against such ward, in any one year, to an amount greater than the amount of tax, which under the provisions of this chapter may be levied in such ward to meet the current expenses of the year; and if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had originally been contracted by such alderman personally: *Provided*, that no alderman shall be held liable as aforesaid, without proof of his assent as alderman to the contracting of the liability or debt by the ward.

When alderman becomes liable for debt

#### CHAPTER SIXTH.

##### *Opening of Streets and Alleys.*

Sec. 1. The city council shall have power and authority to lay out new highways, streets, alleys and public walks, and to vacate or alter such highways, streets, alleys and public walks, as in their opinion shall not be of public

Public ground how laid out.

utility, to regulate, grade, pave and improve streets, avenues, lanes and alleys, and to extend, open and widen the same; and notice of the passage, by the city council, of any order for laying out, vacating, changing or altering said highway, streets, alleys and walks, shall be given, by publishing notice of said order in some newspaper printed in said city, immediately after the passage of the order aforesaid; and if any person shall claim damages by reason of the laying out or vacating, changing or altering thereof, and shall file his notice of such claim in writing with the clerk, within thirty days after the order for laying out, vacating or altering, shall have been made by the city council, the city council shall cause the damage, if any, over and above the benefit accruing thereby to such claimant, to be assessed by a jury as herein provided.

lay provide  
or settlement  
of damages.

Sec. 2. The said city council shall, at the expiration of thirty days after the making and entering of any order for the opening and laying out, extending or vacating any highway, street, alley or public walk, cause to be summoned six good and lawful freeholders, inhabitants of said city, (and not directly interested) who being first duly sworn for that purpose, shall take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the laying out, opening, and extending or widening of any street, avenue, alley, or public walk, as aforesaid, and shall return the same within six days to the city council, under their hands or seals, which shall be paid out of the city treasury.

#### CHAPTER SEVENTH.

#### *City Improvements.*

ldermen to  
a street com-  
missioners.

Sec. 1. The aldermen of the several wards shall be a board of street and road commissioners in and for their respective wards, two of whom shall be a quorum. One of their number shall be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report, in detail to the city council, of all their acts and doings, as such commissioners, whenever required, and at the expiration of each year, and before their term of office shall expire, shall submit such report, and all their books, records, papers, accounts, receipts and vouchers to the council for final settlement and adjustment.

SEC. 2. Any person deeming himself aggrieved by any act of the board of street commissioners may, at any time, appeal to the city council, who shall inquire into, examine and correct the act or order complained of, as shall seem just and proper; and the further action of the board of ward commissioners in this respect, shall be regulated accordingly.

SEC. 3. The said street commissioners shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters and sewers within their respective wards, and to direct and control the persons employed therein.

Powers of street commissioners.

SEC. 4. Whenever the street commissioners shall deem it necessary to construct or repair any side-walk within their wards, they shall direct the owner or occupant of any lot adjoining such side-walk to make or repair the same at his own proper cost and charge. If such work is not done in the time and manner prescribed, the commissioners shall cause the same to be done at the expense of the lots adjoining such side-walk.

Powers continued.

SEC. 5. The costs and expenses of surveying streets, alleys, side-walks, sewers, and of estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs, fountains and sewers shall be chargeable to, and payable out of the fund of the proper ward; opening, grading, graveling, planking or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting or opposite to such street or alley. But no street or alley shall be graded, graveled, planked or paved except upon the petition of two-thirds of the property holders interested therein. Sewers may be ordered by the street commissioners upon the petition of two-thirds of the property holders interested therein, and built at the expense of the lots or parcels of lands benefitted thereby, which shall be apportioned among said lots or parcels of land by the street commissioners: *Provided, however,* That where sewers are constructed through alleys, no lot shall be assessed therefor except those situated in the block or blocks through which such sewers may be constructed, and where sewers are constructed through streets, no lot shall be assessed therefor except those situated in the blocks fronting on such streets; and, *Provided, further,* That in all cases where improvements or works of any kind are chargeable, by virtue of this section, upon lots benefitted, all such improvements across streets, alleys and public grounds shall be made and paid for out of the

Costs of surveying.

Sewers.

funds of the proper ward, in proportion to the width of the street, alley or public ground.

Public im-  
provements,  
how made.

SEC. 6. Whenever the commissioners shall determine to make any public improvements as authorized by sections 3, 4 and 5 of this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in, in front of each lot; and such estimate shall be filed with the city clerk for the inspection of the parties interested. The street commissioners shall give notice, by advertisements for ten days, in one or more public newspapers published in the city, to the owners or occupants of the lots or parcels of land fronting on any street, alley, or side walk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice within the time to be specified in such notice; and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Nuisances, a-  
batement of

SEC. 7. The street commissioners shall give ten days notice in the official paper or papers, to all owners or occupants of lots, which may be deemed injurious to health by reason of stagnant water remaining thereon, to abate such nuisance by draining or filling such lot within a time in said notice to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated and removed, at the expense of the property upon which the same may exist.

Lots may be  
taxed for im-  
provement.

SEC. 8. After the completion and performance of any contract, entered into by any street commissioners for the work chargeable to lots or lands by virtue of this act, they shall give to the contractor or contractors a certificate, under their hands, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon, and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required shall have been given, as herein provided, no informality or error in the proceedings shall vi-

ate such assessment: *Provided*, That in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

SEC. 9. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal to the council as herebefore provided, at any time within twenty days after the publication of the notice required to be given, and until the expiration of such twenty days no such order shall be executed. Owner may appeal.

SEC. 10. There shall be two days work performed annually on the streets, highways, lanes and alleys, by each male person who by the laws of this state is liable or subject to perform highway work; such person shall perform such labor in the ward where he resides, under the direction of such person as the said commissioners may order and appoint, but such person may at his option pay to the said person so appointed by said commissioners at the rate of fifty cents per day for every day he may be so bound to work; and in default of the payment of such money, or the performance of such labor, the said commissioners of the proper ward shall issue their warrant to the marshal of said city for the collection from each and every person so delinquent, the sum of one dollar, the amount of the taxes aforesaid with legal costs; and the said marshal shall have the same power and authority, and proceed in the service of the said warrant in the same manner as prescribed by law, in relation to the service of warrants issued for the collection of taxes assessed on personal property, and shall be entitled to the same fees. But before the said persons shall be required to do such work as aforesaid, the said commissioners shall make a correct list and enrolment of all such persons within their ward, and shall file a copy thereof with the clerk of the board of commissioners. Each male person shall perform two days work on the highway.

#### CHAPTER EIGHTH.

#### *Assessing, levying and collecting Taxes.*

SEC. 1. The city council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and alter, revise or amend, such forms as they may from time to time deem advisable.

SEC. 2. Within ten days after receiving notice of their election, the assessors shall assemble at the city council duty of.

chamber, and after taking their official oath, shall proceed to organize their body by electing one of their number chairman, who shall be authorized to administer such oath as shall be required by this chapter; and within such time as the council shall designate, the said assessors shall make out a complete and accurate assessment roll, which shall contain a description as near as may be, of all the land lots, or parcels of land, within said city sufficient to identify the same; and also of all persons or bodies politic or corporate, liable to pay taxes on personal property, and opposite to each lot or parcel of land, shall be affixed the value thereof, and opposite the name of such person or body politic or corporate shall be affixed the value of the personal property, for which such person, or body politic or corporate shall be assessed. Where there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column. The assessors may, if they deem it advisable, assess any lot or tract of land or such parcels, or such subdivisions as they may deem proper, entering the name of the owner when they can ascertain the same, opposite such tract or parcel of land. An act done by a majority of the assessors, shall have the same force and effect as if done by all the assessors elected under this act.

Shall meet to  
hear objections

SEC. 3. When the same shall be completed, the assessors shall give one week's notice thereof in the official paper, and shall fix a time and place where they will meet for the purpose of hearing objections of parties deeming themselves aggrieved by such assessment; and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require: *Provided*, the time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Assessment  
roll, when to  
returned.

SEC. 4. Within one week after the time limited for the hearing of such objections, the board of assessors shall return the said assessment roll to the city council, and they may confirm or refer the same back to the board of assessors. The city council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same: *Provided, however*, the city council shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Council shall  
levy taxes.

SEC. 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and



for confirming the same shall be entered in the proceedings of the city council; thereupon the city council by resolution, levy such sum or sums of money as be sufficient for the several purposes for which taxes are authorized to be levied, but not exceeding the sized per centage, particularly specifying the purposes for which the same are levied.

6. All taxes and assessments, general and special, under any law of this state, for state, county, or purposes, shall be, and remain a lien upon the lands and assessments upon which they may be assessed, from the date of the confirmation of the assessment roll or rolls, by the city council, and by the county board of supervisors in each year.

Taxes shall be a lien upon property.

7. As soon as said tax shall be levied, and list made by the clerk, the city council shall cause the same to be copied by the clerk, in a book provided for that purpose, opposite to each tract of land, and to each person assessed under proper columns such sum or sums as may be levied upon such lot, block, or piece of land, or against each person: the said copy shall be designated the tax list, and it shall be appended a warrant signed by the mayor or clerk, and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said list.

8. Such tax list, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll as confirmed; to it he shall append his certificate, that the same has been so compared by him, and that the said assessment roll and the whole thereof has been copied into the tax list, and the said tax list, when so certified, shall be prima facie evidence in any court in this state.

Shall be compared by the clerk.

9. Upon the receipt of any tax list by the treasurer, it shall be his duty to give public notice in a newspaper, published in said city, that such tax list, (describing for what purposes said tax or taxes are levied,) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of ten days next following said notice, and all persons paying taxes during said time, shall be entitled to a discount of two per centum on the amount paid. If the taxes are not paid within said time, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving at least six days notice of the time and place of such sale, by putting up not less than three written notices in as many public places in said city.

Treasurer to give notice.

**Sec. 10.** In case no goods and chattels shall be found out of which to collect the taxes on any lot or lots, or on pieces of land or property, it shall then be his duty to make out a list of all the property and taxes remaining unpaid on the fourth Monday of January next succeeding the date of his tax list and warrant, and the list so made, with an affidavit thereto attached, stating that the taxes then contained had not been collected, and that he had been unable to find goods and chattels, out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to return said delinquent list to the treasurer of the county of Fond du Lac, on said fourth Monday of January, and he shall at the same time pay over to the county treasurer, all moneys then collected by him and belonging to the county of Fond du Lac, and all those belonging to the state of Wisconsin, in the same manner as required by law of treasurers of towns.

Collection of  
taxes, how en-  
forced.

**Sec. 11.** On the expiration of the ten days, the treasurer shall proceed to enforce the collection of taxes in the manner specified in title five of the revised statutes, and if such taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the city council may sue for and recover the amount thereof from the said treasurer and his securities.

**Sec. 12.** In case any person, against whom personal property shall be assessed, shall have removed out of the city of Fond du Lac, after such assessment was made, before such tax ought by this act to have been collected, it shall be lawful for said treasurer, to levy and collect such tax by distress and sale of goods and chattels of the person so assessed, in any town within the county of Fond du Lac, to which said goods or property may have been removed, or in which he may reside.

When land is  
omitted in as-  
sessment roll.

**Sec. 13.** If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll for either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for the current year, assess upon the lot or tract so omitted, for such year or years that it shall appear so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had if made in the year when the same was omitted.

*County and State Taxes.*

- §. 14. Before the annual meeting of the board of supervisors of the county of Fond du Lac, in the fall, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city for such year, to be transmitted to the clerk of the board of supervisors, who shall lay the same before the board of supervisors at such meeting. Relating to taxes.
- §. 15. The board of supervisors shall have the right of equalizing the assessment roll of the towns in said county and of said city as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of different wards. Roll of city an entire roll.
- §. 16. The said board of supervisors may levy a tax, as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall determine the amount of taxes to be levied, and the purposes for which the same are levied, and the purposes shall be certified to the city clerk, in the manner provided by the general laws of the state; and the said city clerk shall prepare out a tax list for that purpose, separate from the tax for city purposes, and shall deliver the same to the city treasurer, as provided by law. Tax to be levied without regard to wards.
- §. 17. The city treasurer shall pay over to the county treasurer the state tax in gold and silver, and the county and school tax within the specified time limited in the constitution of this state, as is required by town treasurers. Treasurer to pay over.
- §. 18. It shall be the duty of the county treasurer of the county of Fond du Lac, and he is hereby required, where lands, tracts, pieces or parcels of land, have been returned to said city treasurer as delinquent, for any general tax of the state, or for any tax authorized under this act, immediately after the sale of said delinquent lots, tracts, pieces or parcels of lands by him, to pay said city treasurer the amount which may have been returned delinquent belonging to said city, either in cash or in the certificates of sale of said lots, tracts, pieces or parcels of land so returned delinquent. County orders to be taken for taxes.
- §. 19. The city treasurer shall pay over all other moneys collected by him to the proper officers the same as is required of town treasurers, by the general laws of this state. Treasurer to pay over.

## CHAPTER NINTH.

*Fire Department.*

Power of common council in construction of buildings.

General powers to guard against fires.

May purchase fire engines.

**SECTION 1.** The city council for the purpose of guard against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that and any buildings within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or re-building of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining that damage.

**SEC. 2.** The city council shall have power to prevent dangerous construction and condition of chimneys, and places, hearth-stones, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed, or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger, thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the city council shall deem expedient.

**SEC. 3.** The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of

state, or the ordinances or regulations of said city, and shall be formed only by voluntary enlistment. Every member of such company authorized to be formed, shall be exempt from poll tax, from serving on juries, and from military duty during the continuance of such membership; and every person having served for the term of seven years, in any of said companies, shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty, except in case of insurrection or invasion.

SEC. 4. There shall be a meeting of the members of said Fire companies on the second Monday of April in each year, at such place as may be designated by the city council, when they may nominate and recommend to the city council for appointment, one chief engineer and three assistant engineers, and the said council shall thereupon confirm said nominations, and the persons so appointed shall perform such duties as the city council shall prescribe; and they may at any time enter into or upon any house, store, or other building or enclosure for the purpose of inspecting the same.

SEC. 5. One half the net proceeds of all fines or penalties recovered for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter, shall be paid to the fire department.

SEC. 6. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer, giving such order, to arrest, or to direct orally the marshal, constable, watchman, or any person to arrest such person, and confine him temporarily in any safe place, until such fire shall be extinguished, and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest, or aid in arresting, any person so refusing, shall be liable to such penalty as the city council may prescribe, not exceeding fifteen dollars.

SEC. 7. The city council shall have power to organize and other companies, and make such further regulations as they may deem proper for the protection of property in this city from fire, and may enforce the same by adequate laws and penalties.

## CHAPTER TEN.

*Support of Poor.*

Laws of state  
shall apply.

SEC. 1. The laws of this state for the relief and support of the poor in towns shall apply to said city, and the city council shall annually levy such tax as may be necessary to comply with the provisions of such laws, and the city council shall appoint one of their number to act as overseer of the poor of said city, who shall perform all the duties of overseer of poor in towns.

## CHAPTER ELEVEN.

*Miscellaneous Provisions.*

SEC. 1. All work for the city, or either of the wards, expenditure of road and poll tax, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract.

SEC. 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized.

SEC. 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two thirds of all the aldermen elect.

Actions, how  
brought.

SEC. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such forfeiture or penalty, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

In case elec-  
tion not held.

SEC. 5. If any election by the people or city council shall, for any cause, not be held at the time, or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or corporation may be had on a subsequent day, by order of the city council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not then done, the city council may appoint another time, at which the said acts are to be done and performed.

Bridges.

SEC. 6. Bridges shall be maintained, supported and built across the Fond du Lac river in said city, where the same

may be necessary or convenient, at the general expense of the city.

SEC. 7. The general laws for the preservation of bridges, and the punishment by such laws provided for the wilful and malicious injuries thereon, are hereby extended to such bridges, and the city council may make such by-laws and regulations for the preservation of such bridges, and enforce the same by adequate penalties; and for any injury done thereto, by boats or vessels, may proceed against them under the law to provide for the collection of demands against boats or vessels. Laws relative to bridges.

SEC. 8. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy thereof, by the proper officer, with the mayor, and it shall be the duty of the mayor, forthwith, to inform the city council thereof, or take such other proceedings, as by the ordinances or resolutions of said council may in such cases be provided. Suits, how commenced against the city.

SEC. 9. The city council may at any time, under the direction of a surveyor to be appointed by them, cause to be established the grade of all streets, sidewalks, and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of the county of Fond du Lac. Grade of streets.

SEC. 10. The city council may appoint one or more commissioners, whose duty it shall be to report to the city council within a reasonable time, a draft of all ordinances, by-laws, rules, regulations and forms, that may be necessary to carry this act fully into effect, and more fully to define the power and duties, and fix the compensation of the several officers created or authorized by this act. The said ordinances, by-laws, &c., when they shall have been adopted by the city council, shall be published in a convenient form, together with this act, and the same when so published, shall be admitted as evidence in any court within the state, of the passage and publication of such ordinances, without any further publication in the official paper. Commissioners to be appointed.

SEC. 11. The said city may lease, purchase, and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation. May hold real estate.

SEC. 12. Every execution issued upon any judgment for the violation or non-observance of any ordinance or by-law of said city, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of Use of jail for city.

the defendant in the county jail for such time as shall have been provided by the ordinance under which the judgment shall have been rendered, and for that purpose the said city shall have the use of the jail of Fond du Lac county; and all persons committed to the jail by the marshal, or any other officer, shall be under the charge of the sheriff of said county. All fines, penalties and forfeitures, when collected, shall be paid into the city treasury for the use of the city.

Inspectors for  
first election.

SEC. 13. For the purpose of holding the first election under this charter as amended, the aldermen of the north ward shall be the inspectors of election for the third ward. The aldermen of the south ward shall be the inspectors of election for the second ward; and the city council shall appoint three inspectors for the first ward. Said election to be held on the first Tuesday in April, 1854. The inspectors of elections shall make their return to the city clerk as hereinbefore provided.

SEC. 14. No general law of this state, contravening the provisions of this act, shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 15. This act may be altered or repealed by the legislature, and all acts and parts of acts, inconsistent with and conflicting with the provisions of this act, are hereby repealed.

SEC. 16. This act shall be considered a public act, and shall be construed favorably in all courts and places.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved, March 23, 1854.

Chap. 176 An Act to amend an act, entitled "An act to incorporate the Mineral Point Railroad company," approved April 17, 1852.

*The people of the State of Wisconsin, represented  
Senate and Assembly, do enact as follows:*

SECTION 1. The stock of said company shall be transferable at such times and places and in such manner as the directors shall, by their by-laws or by resolution, prescribe; and so much of the seventh section of said act, as requires a certificate of stock to be issued, signed by the president and secretary, and sealed with the seal of the company, be and the same is hereby repealed.

Approved, March 23, 1854.



An Act to provide for laying out a State Road therein named.

# Chap. 177

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Orson Sheldon, Joseph Harmon and William Burgart be and they are hereby appointed commissioners to lay out and establish a state road from Burlington, in Racine county, to East Troy, in Walworth county; and said commissioners are hereby authorized to adopt in the survey of the said road, such part or parts of any road, between said points already laid out as they may deem expedient. Commissioners.

SEC. 2. The said commissioners shall be entitled to such compensation for their services in laying out said road, as the boards of supervisors of the counties, through which the said road is laid out, shall deem just: *Provided*, That no part of the expense for laying out said road shall be borne by the state. How paid.

SEC. 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 4. This act shall be a public act, and take effect from and after its passage.

Approved, March 23, 1854.

An Act to incorporate the Racine Scientific Association.

# Chap. 178

*The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

SECTION 1. Roswell Park, P. R. Hoy, S. W. Wilson, Z. Humphrey, W. Wadsworth, J. S. Page, J. P. Taylor, C. Barry and such other persons as now are, or may hereafter from time to time become associated with them, are hereby constituted a body corporate by the name of Racine Scientific Association, for the purpose of establishing a library of natural history, forming cabinets, securing scientific lectures, and of promoting such other objects as may be legitimately connected therewith. Corporators.

SEC. 2. The corporation hereby created may acquire, hold, and transfer real and personal estate, but the whole amount of personal estate, shall not exceed at any one time ten thousand dollars. Powers.

SEC. 3. The said association shall have power to make, from time to time, such by-laws, rules and regulations as they shall judge proper for the election of officers, for pre-

scribing their respective duties, and the mode of discharging the same, for the admission of new members into the said association, for the government of the officers and members thereof, for regulating the annual rate of contributions towards the funds thereof; for appointing the time and places of meeting for managing the affairs of said association, and for the suspending or expelling of such officers and members as shall neglect, or refuse to comply with the said by-laws, rules and regulations.

**Officers.**

SEC. 4. The officers of said association shall consist of a president, a secretary, a treasurer and five directors, who together shall constitute an executive committee, charged with the management of the affairs of the said association. They shall be annually chosen by a plurality of votes, on the first Monday of April in each year; and if the annual election shall not be held on that day, then it shall be lawful to make such election on any other day, due notice being given to the members of the association of the intention to hold said election. Vacancies may be filled at any time by special elections called for that purpose.

SEC. 5. This act shall take effect immediately after its passage.

Approved, March 23, 1854.

**Chap. 179** An Act to amend chapter 93 of the private and local laws of 1853, approved March 19th, 1853.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Offices abolished.**

SECTION 1. The officers of city attorney, surveyor and printer are hereby abolished, and any law contained in the act to which this act is amendatory, creating or in any manner providing for either of the offices aforesaid is hereby repealed.

**Qualifications of electors.**

SEC. 2. All persons entitled to vote for county or state officers, who shall have resided within the ward where they offer to vote for ten days next preceding, shall be entitled to vote for any officer to be elected under this act or the act to which this act is amendatory, and to hold any office thereby created.

**Proceedings to be published.**

SEC. 3. The common council shall cause to be published in each of the weekly newspapers, published in said city, all ordinances and other proceedings required by said amended act, or by the by-laws or ordinances of the common council to be published, and a copy of such publica-

ion, with the affidavit of the foreman or publisher, of the length of time the same has been published, shall be filed with the clerk of the city, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other proceeding, which printing and publishing shall be paid for at the same rates now fixed upon by the contract with the city printer, and no greater or higher.

SEC. 4. The common council shall cause to be made all necessary surveys, profiles, plans or estimates for the use of said city or either of the wards, which, when so made, shall be the property of said city, and shall be carefully reserved in the office of the city clerk, open to the inspection of all parties interested. Profiles to be made.

SEC. 5. The rule of taxation in said city shall be uniform: Taxation.  
*Provided*, That in no case shall the real or personal property within the territorial limits of said city, and not included within the limits of the recorded plat of the village of Janesville or of any additions to said village, which may be used, occupied, or reserved for agricultural or horticultural purposes, be subject to an annual tax to defray the current expenses of said city exceeding one-half of one per cent., nor for the repair and building of roads and bridges, and the support of the poor, more than one-half as much on each dollar's valuation as shall be levied for such purposes on the property within such recorded plats; nor shall the same be subject to any tax for any of the purposes mentioned in section three of chapter five of the act to which this is amendatory; nor shall the said farming lands be subject to any tax, other than before mentioned, for any purpose whatever.

SEC. 6. Chapter six of the act to which this act is amendatory, shall not be so construed as to give to the common council any power or authority whatever to lay out any public grounds, squares, streets or alleys, or to enlarge or widen any such already laid out, upon any land not included within the limits of the recorded plat of said village of Janesville, or of any additions to said village; but if public roads and highways, hereafter to be laid out through or across that portion of said city, not included within such recorded plats, shall be laid out and established in the same manner that public roads and highways are now laid out and established by towns, and for that purpose the aldermen of the several wards of said city are hereby vested with all the power and authority of town supervisors. How to be construed.

**What property  
liable.**

SEC. 7. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall in any manner whatever be liable for the payment of city indebtedness, or to be taken, levied upon or sold by virtue of any execution or order, issued upon any judgment or decree whatever to satisfy or collect any debt, obligation or contract of said city.

**How actions to  
be brought.**

SEC. 8. All actions brought to recover any penalty or forfeiture under this act or the act to which this is amendatory, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city; and in any such action it shall be lawful to complain generally as in an action on the case for the amount of each penalty or forfeiture, stating the section of the statute, by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence, and the defendant may answer by simply denying the truth of the complaint, and give the special matter in evidence. The first process in any such action shall be by warrant, and execution may be issued immediately on the rendition of judgment. If the defendant in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require him to be imprisoned in the county jail for a term not exceeding thirty days, or until such judgment shall be paid. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the city.

**Judgments.**

SEC. 9. If judgment in any such action shall be rendered against the city, such judgment may be removed by appeal or certiorari in the same manner and with the same effect as though the city were a natural person, except that no security shall be necessary to be executed by or on behalf of the city.

**Assembly district.**

SEC. 10. Hereafter the city of Janesville shall be attached to and form a part of the assembly district in the county of Rock, composed of the towns of Rock Centre, Fulton and Janesville.

**Senate district.**

SEC. 11. Hereafter the city of Janesville shall be attached to and form a part of the seventeenth senatorial district.

**Salaries.**

SEC. 12. The clerk and marshal of said city shall each receive a salary, not exceeding two hundred dollars a year, for his services.

SEC. 13. All constables shall be elected in the same manner now provided in said amended act for the election of other elective officers.

SEC. 14. At every annual election hereafter there shall <sup>Assessor.</sup> be elected one assessor for said city, who shall hold his office for the term of one year, and until his successor is elected and qualified; and he shall possess all the powers and perform all the duties required by law to be performed by assessors of towns, except as is otherwise provided in this act; and such assessor shall receive one dollar and fifty cents for each day necessarily spent in the discharge of his duty as such assessor.

SEC. 15. The mayor and each alderman shall be allowed <sup>Salaries.</sup> the sum of one dollar per day, each, for his services for said city for the time actually spent in such service, and no more; to be allowed only for time spent in attending the regular meetings of the common council.

SEC. 16. Sections ten, eleven and fifteen of chapter three and section seven of chapter four and sections four and five of chapter ten, and all other laws which contravene the provisions of this act, are hereby repealed.

SEC. 17. This act shall take effect from and after its passage.

Approved, March 24, 1854.

An Act to vacate a part of Pixley and Shaw's Addition to the Village of Janesville, in Rock County. Chap. 180

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that part of Pixley and Shaw's addition to the village of Janesville which lies north of Glen street and east of Bluff street on said addition, is hereby vacated and annulled; except lots forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, and four rods off from the west end of lots fifty-three and fifty-four; and said four rods shall hereafter be known and described as lots fifty-three and fifty-four, respectively, on Pixley and Shaw's addition to Janesville, and may be so described in all future conveyances thereof.

SEC. 2. The proprietor or proprietors of the land on that part of said plat hereby vacated, may cause the same, or any part thereof, to be surveyed and platted into a town or village plat, in such way and in such manner as to them may seem proper: *Provided, however,* that the plat thereof shall be named, called and known as "Pixley and Shaw's Second Addition to Janesville."

SEC. 3. This act shall be published for one week in the

Janesville Gazette, a weekly newspaper printed and published in the city of Janesville, and recorded in the office of the register of deeds of the county of Rock, in a book kept therein for the purpose of recording town plats; and after such publication and recording shall be in force.

Approved, March 25, 1854.

**Chap. 181** An Act to change the name of the Village of Floraville to the Village of Decatur, in the County of Green.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that part of the town of Decatur, in the county of Green, platted, recorded and known as the village of Floraville, shall hereafter take the name and be known as the village of Decatur.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 25, 1854.

**Chap. 182** An Act to authorize William Hood and Peter Burns to keep and maintain a Ferry across the Mississippi River; approved April 19, 1852.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Right to keep  
ferry.**

SECTION 1. Section one of chapter four hundred and seventy-six, of the session laws of 1852, entitled an act to authorize William Hood and Peter Burns to keep and maintain a ferry across the Mississippi River, approved April 19, 1852, William Hood, Peter Burns, Cyrus K. Lord, Charles Dunn and Hercules Dousman, and such persons as may be associated with them, shall have the exclusive right to keep and maintain a ferry, with steam or horse power, or both, across the Mississippi River, from any of the public landings, in the village of La Crosse, or any points not laid off in town plats in the town plats in the town of La Crosse, in this state, for the period of ten years, from the first day of May, 1854.

SEC. 2. Section two of said chapter is hereby amended, beginning after the word "attended," in the fourth line, so as to read as follows: "and no ferry shall be licensed to be kept within two miles north or south of the point where township line, between towns No. fifteen and No. sixteen north, strikes the Mississippi River."

SEC. 3. The rates of charges for crossing upon such ferry <sup>Rates of toll</sup> shall be such as have heretofore been allowed to said Hood and Burns, and the said William Hood, Peter Burns, Cyrus K. Lord, Hercules L. Dousman and Charles Dunn, and their associates, shall have printed in plain and legible and their rates of crossing on such ferry, and the hours of leaving, and have the same posted up in public, conspicuous places at the landing of such ferry.

SEC. 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 25, 1854.

An Act to authorize the Board of Supervisors of the County of Milwaukee to <sup>Chap. 183</sup> issue Bonds for the purposes therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of supervisors of the county of Milwaukee, is hereby authorized and empowered to issue bonds of said county to an amount not exceeding one hundred thousand dollars, bearing interest not to exceed seven per cent. per annum, and for a time not less than ten nor more than twenty years; to raise money to be expended as hereinafter described, [in the purchase of grounds, and the construction of county buildings for said county,] and to provide for the payment of the interest on the amount of bonds issued. <sup>May issue bonds.</sup>

SEC. 2. The bonds issued under and by virtue of this act, shall be signed by the chairman and countersigned by the clerk of the board of supervisors, under the corporate seal of said county, and shall be in sums of not less than five hundred dollars each; with interest, payable annually, on the first day of May, in each year, at such place as said board of supervisors may determine. <sup>General powers of supervisors.</sup>

SEC. 3. The board of supervisors of said county, may at their annual, or at any special meeting called for that purpose, direct by resolution their chairman to sign, and their clerk to countersign, the whole amount of bonds authorized to be issued by this act, or such a part thereof as the board may determine; and it shall be the duty of the county treasurer to negotiate the bonds so directed to be issued, and to place the proceeds thereof in the treasury of said county; but before such treasurer shall receive said bonds,

or be entrusted with them for negotiation, he shall execute his bond to said county, with good and sufficient securities in the penal sum of double the amount of county bonds so to be entrusted to him at any one time; conditioned for the faithful performance of his duty, and a strict accountability for all money received by him from the sale of said county bonds, and the prompt payment of the same into the treasury of said county, which bond shall be approved by said board of supervisors, and filed in the office of the clerk of the board of supervisors; and said board of supervisors shall fix by resolution the compensation of such treasurer: *Provided, however,* he shall not receive, including all expenses, to exceed one per cent. on the amount of county bonds negotiated by him.

SEC. 4. Whenever the board of supervisors of said county shall determine to issue the bonds authorized by this act, they may require the treasurer of said county to give such additional security, as such treasurer, as they may deem proper, which additional security shall be given and approved in the same manner as provided for in sections 103 and 104 of chapter 10 of the revised statutes; and in case said county treasurer shall refuse or neglect to give such additional security for the space of twenty days after being duly notified in writing of such requirement, by the clerk of the board of supervisors, then such refusal or neglect shall be deemed a resignation of his office, and thereupon the board of supervisors may fill the vacancy in said office as provided in section 106 of chapter 10 of the revised statutes; and it shall not be lawful for said county treasurer to pay out or expend in any way the money raised by the county from the sale of said county bonds, except in the manner, and for the purposes described in this act, nor shall the fund thus raised, be subject in any way to the payment of any claim against the county of Milwaukee, except as herein prescribed; and said county board of supervisors, shall fix by resolution the compensation of said county treasurer, for receiving and disbursing the money raised under the provisions of this act: *Provided, however,* said county treasurer shall not be entitled to, nor shall he receive to exceed one half of one per cent. on the amount of money placed in the treasury of said county by the provisions of this act, and disbursed by him in the manner herein provided.

Commission-  
ers.

SEC. 5. The board of supervisors at a meeting called for that purpose, shall elect *viva voce*, three commissioners of county buildings, with powers and duties as named in the



several sections of this act, who shall hold their office for the term of three years from the first day of April, in the year 1854, unless the county buildings herein referred to, shall be completed before that time, in which case their office shall cease with the completion of said buildings: *Provided, however*, that no member of said board of supervisors, nor the clerk thereof, shall be eligible to the office of commissioner, or contractor under the provisions of this act, and *provided further*, that said board of supervisors shall have power to remove such commissioners, or any of them, for cause; but before said commissioners shall enter upon the duties of their office, or be qualified to act, they shall each execute a separate bond to said county, with good and sufficient sureties, in the penal sum of twenty thousand dollars, conditioned that they will faithfully, honestly and promptly, discharge all their duties collectively and severally, as such commissioners under the provisions of this act, and that they will render to the board of supervisors of said county, full, true and accurate accounts of all their acts and doings as such commissioners, at any time when required by said board of supervisors, and filed in the office of the clerk of said board.

SEC. 6. At the time of electing said commissioners, said Compensation. board of supervisors shall designate one of these as chairman of said commissioners, and the other two as associates, and shall fix the compensation of each: *Provided, however*, that said compensation shall not exceed the sum of two dollars per day for each of the associate commissioners, and three dollars per day for the chairman, and no allowance shall be made to said commissioners, or either of them, except for the actual time they, or either of them, shall be employed as herein described; and their accounts for services, when rendered to the board of supervisors, shall specify the number of days employed, and before being allowed by said board of supervisors, shall be verified by the affidavit of the commissioners in whose favor the account may be.

SEC. 7. The said commissioners, or a majority of them, Powers of shall enter into and sign all contracts in their official name commissioners in behalf of the county for said buildings, and shall audit all claims against the county for work done, or materials furnished for said buildings; and all such contracts or adjustment of claims, shall be binding on the county: *Provided, however*, such liability shall not exceed the amount hereby authorized to be raised by the issue of said county.

bonds, and shall alone be payable out of the funds so raised; and when any contract shall have been entered into by said commissioners, such contract shall be filed in the office of the clerk of said board of supervisors, and shall be open to the inspection of all parties interested; and when an account shall have been audited by said commissioners, the chairman shall draw his check on the county treasurer for the amount, payable to the order of the individual in whose favor the account may be, and it shall be the duty of the county treasurer to pay the same, on presentation at his office, from the fund raised under the provisions of this act, and from no other.

*Ibid.*

SEC. 8. The commissioners shall keep a record of all their acts and doings, which records shall be open to the inspection of all parties interested, and they shall not be interested directly or indirectly, in any contract in which the county is a party; and in case of a violation of any of the provisions of this section by said commissioners, or either of them, the commissioner or commissioners so offending, shall forfeit his or their office, and all compensation for services rendered, and all contracts entered into in violation of this section, shall be null and void.

*Ibid.*

SEC. 9. It shall be the duty of the commissioners to cause plans, with estimates of the cost of such buildings, constructed of brick or stone, or part brick and part stone, on each separate plan, to be made, and to recommend in writing, to the board of supervisors, at any annual or special meeting, that plan, and the materials, which they may regard most advantageous to the county.

*Site of building, &c.*

SEC. 10. The said board of supervisors, at a meeting called for that purpose, shall designate the site for said county buildings, and shall adopt a plan of the same, and designate the materials of which said buildings shall be constructed; and the commissioners shall cause such place, with full specifications of the work, to be made and filed in the office of the clerk of said board, and shall give four weeks notice in all the daily and weekly newspapers published in said county, of the time and place, when and where, they will receive proposals from contractors to furnish the materials, and to do the work according to the adopted plan and specifications; and they shall let the work by contract to the lowest responsible bidder, or to the bidder whose proposition is most advantageous to the county: *Provided, however,* such contract shall be subject to the approval of said county board of supervisors at any meeting thereof; and it shall be the duty of the chairman

of said commissioners to oversee the work of building, causing all to be done according to contract, and in a good, substantial and workmanlike manner.

SEC. 11. The aforesaid commissioners and the county treasurer, shall severally make an annual and detailed report to the board of supervisors, at their meeting in January in each year, or if they have no meeting in January, then at their first meeting next thereafter; and they shall also report in detail as often as the board of supervisors may require, showing in their several reports a true and accurate account of the amount of bonds negotiated, the amount of money received for the same, the amount of money expended on the work, and the amount of money in the treasury applicable to the same, and any other information pertaining to their several offices which the board may require.

SEC. 12. In case of the death, resignation, inability or forfeiture of office, under the eighth section of this act, of the commissioners, or either of them elected as provided herein, the board of supervisors may, at any meeting called for that purpose, elect a commissioner to fill such vacancy in the same manner as herein before provided for the election of commissioners; and a commissioner or commissioners thus elected to fill a vacancy, shall be subject to all the requirements and liabilities named in this act.

SEC. 13. It shall be the duty of said board of supervisors to provide for the payment of the interest, and the ultimate payment of the principal of any county bonds which shall be issued under this act, and for that purpose, said board of supervisors is hereby authorized and empowered to assess and collect annually a special tax on the real and personal property of said county, sufficient to pay the annual interest on said bonds, in the same manner as other taxes are now levied and collected by law; which special tax shall be payable in money only, and shall not be paid out by the county treasurer for any other purpose than the payment of the interest on said bonds; and the good faith of said county of Milwaukee shall stand pledged for the punctual payment of the interest, and the ultimate payment at maturity of all county bonds issued under the provisions of this act.

SEC. 14. This act shall take effect and be in force from and after the 10th day of April, in the year 1854.

Approved, March 25, 1854.

**Chap. 184** An Act to lay out and establish a State Road from Depere, in Brown County, to Kewaunee, in Kewaunee County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Samuel Blake, William Field, jr., Edward F. White and John Volk, be and are hereby appointed commissioners to lay out and establish a state road on an air line from the town of Depere, in Brown county, to Kewaunee, in Kewaunee county; and the said commissioners shall receive the sum of two dollars and fifty cents each, for every day engaged in laying out said road: *Provided*, That no portion of said expenses shall be paid out of the state treasury.

SEC. 2. It shall be lawful for a majority of said commissioners to lay out and establish the said road.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 25, 1854.

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**Chap. 185** An Act to authorize the Clerk of the Board of Supervisors of the County of Ozaukee to do certain acts therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The clerk of the board of supervisors of the county of Ozaukee is hereby authorized and empowered to give redemption receipts, and execute, acknowledge and deliver tax deeds for any and all pieces of land lying and being within the limits of the county of Ozaukee, sold for taxes by the treasurer of the county of Washington previous to the first day of May, 1853, in the same manner, and with like effect, as the clerk of the board of supervisors of Washington county might or could have done had the county of Washington not have been divided and the county of Ozaukee erected.

SEC. 2. All receipts for the redemption of lands, and all tax deeds executed for any land sold for taxes, lying and being within the limits of the county of Ozaukee, which have been given and executed by the clerk of the board of supervisors of the county of Ozaukee, in accordance with provisions of said act, are hereby declared to be valid and binding.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 25, 1854.

An Act to lay out a State Road therein named.

Chap. 186

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Daniel H. J. Baker, Joseph A. Bullen and John T. Morgan, be and are hereby appointed commissioners to lay out and establish a state road commencing at the town of Saint Croix Falls, in the county of Polk, and running thence to the mouth of the Left Hand River, on the most practicable route.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 25, 1854.

An Act to incorporate the Western Wisconsin Mining Company.

Chap. 187

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. James H. Earnest, Moses M. Strong, George W. Strong, George R. Haswell and John Strong, their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the "Western Wisconsin Mining Company;" and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto, in all courts of law and equity, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to a corporation, for the purpose of mining, smelting, or manufacturing lead and other metals, and the ores thereof. Corporators.

SEC. 2. The said corporation shall have power to hold, buy, purchase or lease, and to convey by deed or lease, such real estate as shall be necessary for carrying out the objects, and exercising the powers of this corporation, not exceeding five hundred thousand dollars in value. Powers.

SEC. 3. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such place in or out of this state, and at such time, as they or a majority of them shall designate. And at such meeting, and at all other meetings duly notified, said corporation may make and alter such by-laws, rules and regulations for the management of the business, and defining of the powers of said corporation, as a majority may direct, not repugnant to the laws of this state, or of the United States. Meetings.

**Stock.**

SEC. 4. The said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner, as said corporation shall from time to time deem expedient; and whenever said company shall, by purchase, lease or otherwise, become possessed of any mine or mines, (either in or out of this state,) the directors of said company may make a distinct and separate interest of each mine, and divide said interest into such number of shares as they may deem expedient, and regulate the conduct, management and powers of such separate interests by their by-laws.

SEC. 5. This act is hereby declared to be a public act, and the same shall be construed favorably, in all courts and places whatever, and the same shall take effect, and be in force from and after its passage.

Approved, March 25, 1854.

**Chap. 188** An Act to provide for the sale of the County Farm of Washington County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Time of sale.**

SECTION 1. On the fourth Monday of July, next at 12 o'clock, M., the supervisors of the county of Washington shall meet at the county farm in said county, and proceed to offer said farm, together with all the hereditaments and appurtenances thereunto belonging, and the personal property on said farm for sale to the highest bidder; that the said supervisors may postpone said sale from time to time as occasion may require, not to exceed in all 90 days.

**Notice to be given.**

SEC. 2. It shall be the duty of said supervisors to cause notice of such sale to be given in as many newspapers as they may deem necessary, and they shall post up such notices in the most public places in the counties of Washington and Ozaukee.

**Title.**

SEC. 3. The said supervisors of the county of Washington are hereby authorized to execute, through their chairman, and attested by their clerk, a deed in fee simple of the premises heretofore known as the county farm, to the purchaser or purchasers, upon the receipt of the treasurers of the respective counties of Washington and Ozaukee, that each have received their proportion of the money as herein provided for the sale of said farm; the terms of said sale shall be cash, and the proceeds thereof as well as from the sale of the personal estate belonging to said county farm, shall be divided between the counties of Washing

in and Ozaukee, according to the assessment of the year 1853.

SEC. 4. The said supervisors may offer the said farm in such pieces or parcels, or in whole, as they may deem expedient and for the best interests of the counties concerned in said sale.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 25, 1854.

An Act entitled an Act to incorporate the "Young Men's Library Association," in the City of Watertown and County of Jefferson. **Chap. 189**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Theodore Prentiss, Samuel Hall, Lyman E. Boomer, J. W. Carter, Fred. R. Lasher, Edwin Ford, James Prentiss, Calvin Cheney, Theodore Bernhardt, Joseph J. Foote, Rev. M. Niles and Jesse Moulton, of the City of Watertown, in the county of Jefferson, their associates and successors, are hereby created a body corporate and politic, by the name of the "Young Men's Library Association," and by that name to remain in perpetual succession, for the purpose of establishing a library, and for providing other means to elevate the man's standard, and for that purpose shall have power to contract and be contracted with, sue and be sued, implead and be impleaded with, answer and be answered unto, in all courts of this state, and shall be vested with all the powers and privileges necessary to carry out and fulfil the objects of their corporation. **Corporators.**

SEC. 2. The said corporation shall have the power to establish for its government a constitution and by-laws not inconsistent with the constitution or laws of this state, which constitution may be amended by the consent of a majority of the members of the corporation, to have and use a common seal and alter the same at pleasure. **Powers.**

SEC. 3. The said corporation shall have further power to hold in their corporate name personal and real estate, not exceeding in value five thousand dollars, which shall be devoted solely to the purposes and objects of the corporation as set forth in the first section.

Approved, March 25, 1854.

**Chap. 190** An Act to incorporate the Building Association of the First Congregational Church and Society of La Crosse.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Corporators.**

SECTION 1. Frances M. Rublee, Burrell S. Reppy, Walter Brown, Edwin Flint, Charles G. Hanscombe, Ebenezer Childs, H. B. Calahan, John Robinson, Alexander W. Shephard and Samuel D. Hastings, together with such other persons as may become associated with them under this charter, are hereby constituted a body politic and corporate, located in the village of La Crosse, by the name of the building association of the First Congregational Church and Society of La Crosse.

**Objects.**

SEC. 2. The object of said corporation shall be to exert and keep in repair a church edifice, and shall have power for this purpose to take by purchase, devise or otherwise, and to hold, transfer and convey a lot or lots of land in the village of La Crosse, not exceeding in value ten thousand dollars, and such personal property as may be necessary for carrying into effect the purposes of said corporation.

**Powers.**

SEC. 3. Said corporation shall have power to contract, and be contracted with; sue, and be sued; plead, and be impleaded; defend, and be defended, in all courts of law and equity; it shall have a common seal, and may alter or renew the same at pleasure, and shall also have power to establish such by-laws and regulations for the due and orderly conduct of its own affairs, as it shall deem necessary, not inconsistent with the constitution and laws of this state.

SEC. 4. The property of said corporation, real and personal, shall be devoted solely to the purposes of the association as set forth in the second section of this act, and shall be exempt from taxation.

SEC. 5. This act shall be in force from and after its passage.

Approved, March 25, 1854.

**Chap. 191**

An Act to authorize the laying out of a State Road therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SEC. 1. Francis Virian, John J. Ross and Charles Temple, are hereby appointed commissioners, with full power and authority to locate, lay out and establish a state road from some eligible point in town three, of range three, east



of the fourth principal meridian, through the valley of Benner's Branch, to Platteville, in Grant county.

Approved, March 25, 1854.

An Act to provide for holding Town Meetings in the Connty of Clark.

Chap. 192

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The annual town meeting in the county of Clark shall be held on the first Tuesday of April in each year.

SEC. 2. This act shall take effect, and be in force from and after its passage.

Approved, March 25, 1854.

An Act concerning certain School District.

Chap. 193

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Joint school district number nine, in the towns of Fox Lake and Trenton, Dodge county, Alton, in Fond du Lac county, and Mackford, in Marquette county, comprising section one, and the east half of section 2, in township No. 13 north, of range No. 13 east, and section No. 6, in township No. 13 north, of range No. 14 east, and the south-west quarter of section No. 31, in township No. 14 north, of range No. 14 east, and the south half of sections No. 35 and 36, in township No. 14 north, of range No. 13 east, is hereby declared to be a school district, and a body corporate, by the name and style aforesaid, and with like effect, as if the same had had been formed in accordance with the provisions of chapter 19, of the revised statutes.

SEC. 2. The electors of said district are hereby authorized to meet at some convenient place in said district, and elect their officers at any time after the passage of this act, by first notifying the electors thereof in the same manner as required by the revised statutes in the first formation of school districts, and after said election, said district shall be subject to the same laws and regulations as other school districts.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 25, 1854.

**Chap. 194**

An Act to incorporate the Rountree Mining and Smelting Company.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Body corpor-  
ate.**

SECTION 1. John H. Rountree, Samuel Rountree and Nelson Dewey, their associates, assigns and successors, are hereby constituted a body corporate and politic, by the name and style of "The Rountree Mining and Smelting Company," and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto in all courts of law and equity ; may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to corporations, for the purpose of mining, smelting or manufacturing zinc, lead and copper, and the ores of said metals, in the counties of Grant, Iowa and Lafayette.

**Powers.**

SEC. 2. Said corporation shall have power to purchase, hold, convey, lease and let, real estate: *Provided*, that the cost of the real estate held by said company at any one time, shall not exceed one hundred thousand dollars.

SEC. 3. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such time and place in said county as they shall designate, and at such meetings, and at all other meetings duly notified, said corporation may make and alter such by-laws, rules and regulations, for the management of the business of said corporation, as a majority may direct, not repugnant to the laws of this state, nor of the United States.

**Stock.**

SEC. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof, in such manner as such corporation shall from time to time deem expedient.

SEC. 5. This act is hereby declared to be a public act, and the same shall be construed favorably in all courts and places whatever, and the same shall take effect and be in force from and after its passage.

Approved, March 28, 1854.

**Chap. 195**

An Act to provide for laying out a State Road therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That Kendal P. Clark, Thomas C. Baker and Dennis Kelby, be, and are hereby appointed commission-

ers to lay out and establish a state road from Lowell, in Dodge county, to Portland, in the same county.

SEC. 2. Said commissioners may adopt so much of any survey now made as they may think proper: *Provided*, that the expense of laying out said road shall be paid by the towns through which the same may pass.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 28, 1854.

An Act to vacate a part of a certain Road therein named.

Chap. 196

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That so much of the territorial road be and the same is hereby vacated, as to that part, and that only, which is located in section thirty-one, (31) town nine, (9) north of range thirteen, (13) east, and that said part of road so vacated shall be no longer used for the purpose of a public highway.

SEC. 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

Approved, March 28, 1854.

An Act to incorporate the Plymouth and West Bend Plank Road Company. Chap. 197

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Robert H. Hotchkiss, M. M. Flint, H. N. <sup>Commissioners</sup> Smith, Henry Averill, James Preston and Reed C. Bray-<sup>ers</sup> elton, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Plymouth and West Bend plank road company, hereby incorporated, and they may cause books to be opened at such times and places, as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and places of taking such subscriptions, by publishing the same in one or more newspapers in the county of Sheboygan.

SEC. 2. The capital stock of said company shall not be <sup>Stock</sup> more than one hundred thousand dollars, in shares of twenty-five dollars each, and so soon as one hundred shares of the capital stock shall be subscribed, and five per cent. of

the amount thereof actually paid in or secured to the said company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns shall be, and they hereby are created and declared a body corporate and politic by the name and style of the "Plymouth and West Bend Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal and mixed, and in their corporate name may sue, and be sued; may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

**Election of  
directors.**

SEC. 3. The said commissioners, or a majority of them, after said one hundred shares of stock shall have been subscribed as-aforesaid, shall give at least twenty days notice in one or more of the newspapers of the said county of Sheboygan, of the time and place of the meeting of the stockholders, for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in one or more of the newspapers in said county, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors the said commissioners above named, upon the subscription of five hundred shares of stock, and the organizing of said commissioners, by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company; and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the said board shall have power to fill such vacancy.

**Affairs, how  
managed.**

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person or by their proxies, duly authorized; and in all elections and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern.

except in election, when the seven persons having the greatest number of votes cast for directors shall be declared duly elected.

SEC. 5. A majority of the said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president; and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure. They shall also have power to make all necessary and proper by laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers. All of which by-laws not inconsistent with the constitution and laws of the state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation. Officers.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon for failure to pay such instalments as may be called for, and also to accept in behalf of the company, a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter for or on account of the acts of said company or its officers. Powers.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name, and under the seal of said company, with any person or persons as the execution and management of the work and the interest and convenience of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

**Powers.**

SEC. 8. The said company shall have power to locate and construct a single or double track road from the village of Quitquioc, in the county of Sheboygan, to the village of West Bend, in the county of Washington. The track of said road shall be constructed of plank, stone or earth, in whole or in part, each, at the option of the directors, so that the same when completed shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

**Ibid.**

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of and use such lands, not exceeding four rods in width along the line of said route: subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

**Right of way.**

SEC. 10. When said company shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by reason of absence, or legal incapacity of the owner or owners, no such agreement or purchase can be made in any such case, it shall be lawful for any justice of the peace to issue a warrant directed to the sheriff or any constable of the county in which the land, gravel, stone or other material is situated, not directly interested, requiring him to summon a jury of nine freeholders, of his said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named any of the persons so named do not attend, the said sheriff or constable shall immediately summon so many as may be necessary, with the persons in attendance as jurors, to fur-

wish a panel of nine jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him, her or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said justice and jurors shall proceed to view the said land, or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice; and the verdict of the jurors thereon, shall be signed by the jurors or a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days thereafter transmit the same to the clerk of the circuit court of the proper county, who shall do the same; such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner, or owners thereof, so long as the land thus valued and taken, shall be used for the track said plank road: *Provided*, that it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or the owners thereof, his, her, or their legal representatives, unless it may be made to appear by affidavit that the owner or owners have had at least five days notice of the time and place of meeting, for the purpose of making such valuation; or unless it shall in like manner be shown that such owner or owners are under age, or *compos mentis*, such service of notice may be made on the guardian or trustee, under the same restrictions in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, that no such materials shall be taken, if the jury

Proviso.

shall decide that the same are essential to the owner or owners thereof: *Provided*, that any party conceiving himself aggrieved by any decision herein stated, may in such case appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

Further powers.

SEC. 11. The directors shall have power in their discretion to construct said plank road along or upon any highway or road now or hereafter to be laid out, opened or established by the proper authorities, and of such width, and in such manner as the said directors shall determine: *Provided*, they proceed by agreement with the supervisors of any town, the right to take and use any part of any public highway in each town for the construction of such proposed roads, and agree with such supervisors upon the amount of compensation and damage to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town, and they may erect toll gates, and exact toll from persons travelling on their road whenever four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, that persons going to and from military parade, at which they are required by law to attend, and persons going to, or returning from funerals shall be exempt from toll. The toll gatherer at each gate when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid.

Toll

Stock.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security, subject to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of such stockholders shall be considered as paid, and certificates of stock shall be issued to



said stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscription to said stock in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per cent. per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, or any of them, in the same manner as if the same were made payable to individuals, or to their order as assignees.

SEC. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by the said company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said company, such person or persons, so offending, shall each of them for every such offence be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty for injury to road.

SEC. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal turn out of said road, or pass any gate thereon or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars to and for the use of said company, and also be liable for all damages done to the profit of said company in an action of trespass. Injury to gates

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same. May increase capital stock.

SEC. 16. At each annual meeting of the stockholders, for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may

- be called by the directors, or by any number of stockholders holding one-fourth in amount in capital stock of the company, by giving twenty days notice of the time and place of such meeting in a newspaper published in either of the counties through which said road is run.

SEC. 17. This act is hereby declared to be a public act, and copies thereof, printed by authority of the state, shall be received as evidence thereof.

Approved, March 27, 1854.

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### Chap. 198

An Act to establish a uniform rule for Scaling Logs on Black River.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The rule known as "Scribner's rule," shall hereafter be the uniform and legal rule for scaling logs on Black River.

SEC. 2. This act shall not invalidate or in any way effect any contracts heretofore made in accordance with any other rule.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 28, 1854.

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### Chap. 199

An Act to change the name of the Wisconsin Health Insurance Company to that of the State Insurance Company.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The name of the "Wisconsin Health Insurance Company," incorporated by an act of the legislature of this state, approved April 2d, 1853, is hereby changed to State Insurance Company ; and hereafter said incorporation shall be known by the name and style of "State Insurance Company" in all courts and places whatever ; and whenever the words Wisconsin Health Insurance Company occur in said act of incorporation, they shall be construed to mean the same as if expressed by the words State Insurance Company.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 28, 1854.

An Act to amend an Act entitled an act to incorporate the North Western Iron Company. **Chap. 200**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An act to incorporate the North Western Iron Company, approved February 9th, 1854, is hereby so amended as to increase the capital stock of said company a further amount of five thousand shares.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 28, 1854.

Act to authorize School District No. 1, in the Town of La Crosse, to collect a Tax. **Chap. 201**

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the officers of the school district No. 1, in the town of La Crosse, county of La Crosse, be, and they are authorized to collect a tax for the sum of three hundred dollars, voted at the last annual meeting of said school district.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 28, 1854.

An Act to provide for laying out a State Road therein described.

**Chap. 202**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Royal Crane, Harison Stone, and James Greene, be, and are hereby appointed commissioners to lay out and establish a state road from Montello, in the county of Marquette, to Grand Rapids, in Portage county, by way of Adaries and Pine Grove.

SEC. 2. That no part of the expenses for laying out said road, shall be paid by the counties of Portage and Marquette, and no money paid out of the state treasury therefor.

SEC. 3. That in case one of the above named commissioners shall neglect or refuse to serve, the other two may appoint a substitute.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 28, 1854.

**Chap. 203**

An Act concerning the Register of Deeds in Waupacca County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That the register of deeds of Waupacca county elected under "an act entitled an act to organize the county of Waupacca for judicial purposes, approved February 11, 1853," is hereby authorized to transcribe all such records of deeds and other instruments relating to real estate made by him since the said election, into the proper books provided by the supervisors of said county for that purpose, which records so transcribed shall have the same effect in all respects as original records. And the said register of deeds shall be paid for transcribing the same, such compensation as the supervisors shall deem just and reasonable.

Approved, March 28, 1854.

**Chap. 204**

An Act to vacate a part of the plat of the Village of Richland City, in the County of Richland.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :—*

SECTION 1. That the north half of a certain block in the said village of Richland City laid off, denoted and recorded as Church Square, be and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 28, 1854.

**Chap. 205**

An Act to legalize the filing of the official bond and oath of office of Geo. Cruikshank, as a Justice of the Peace.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Whereas, at the annual town meeting held in the town of Grand Rapids, in Portage county, Wisconsin, on the first Tuesday in April, A. D. 1853, Geo. Cruikshank, of said town, was duly elected a justice of peace for a full term ; and whereas, by a mistake, his official bond and oath of office were not filed in the office of the clerk of the circuit court of said county, until ten days after the time for filing the same had expired by law. Now, therefore, the filing of said bond and oath of off

the said Cruikshank, is hereby declared legal and of the same force and effect as if filed according to the statute in such case made and provided; and full faith and credit shall hereafter be given to the official acts of said justice, the same as if he had filed his bond and oath of office within the time provided by law.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 28, 1854.

Act to authorize the County of Marathon to aid in the construction of the South Line and Wausau Plank Road. **Chap. 206**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of supervisors of the county of Marathon are hereby authorized to subscribe for the said County may subscribe stock county of Marathon, any amount not exceeding in the aggregate the sum of ten thousand dollars, to the capital stock of the South Line and Wausau plank road, and to pay for the same in the bonds of said county of Marathon, payable in twenty years from the date of said bonds, with interest, payable annually, at any rate of interest not exceeding twelve per cent. per annum, at any place in or out of this state.

SEC. 2. The shares of stock in said plank road company when taken by said county, and all dividends arising from the same are hereby irrevocably pledged for the payment of the interest and principal of said bonds: *Provided, however,* That the said board of supervisors of said county may sell such shares, but the proceeds thereof, and interest received thereon, shall still be pledged to pay the interest and principal of said bonds. County liable for payment of interest and principal.

SEC. 3. The board of supervisors of said county of Marathon shall annually appoint one road stock commissioner, who shall attend the annual or special meetings of the stockholders of said plank road company for the election of directors thereof, and shall be entitled to cast one vote for each and every share of stock which said county shall hold in said plank road company, and in case of his absence or inability to attend, to appoint, in writing, under their hands, some other person who shall have the same power. Road commissioner.

SEC. 4. No bond or bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal Voto to be taken upon the question.

voters of said Marathon county, voting upon said question, shall vote in favor of the same at an election called by the board of supervisors of said county for that purpose, to be held at the different precincts in said county; at such election those voting in favor shall vote a ballot, with the words inscribed thereon, "For the road;" and those voting against shall vote a ballot with the words inscribed thereon, "Against the road." Four weeks previous notice of said election shall be given in the "Wisconsin Pinery," a newspaper published at Stevens' Point, Portage county; and this act shall be published therewith. Said election shall be conducted and the returns made and canvassed in the same manner as the annual county elections for said county.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 28, 1854.

## Chap. 207

An Act to provide for laying out a State Road therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That John Manuel, John Sanford and Edward M. McIntosh, be, and are hereby appointed commissioners to lay out and establish a state road commencing on the state road from Mayville to Sheboygan Falls, at or near Gill's farm, in section 29, in the town of Ashford, in Fond du Lac county, thence running by way of Cronchville, to Cascade, in Sheboygan county: *Provided*, that the said commissioners shall have no power, in any way, to alter or discontinue the said state road leading from Mayville to Sheboygan Falls, as established according to an act of the legislature in the year 1853, or any part thereof.

SEC. 2. That the expense for laying this road shall not be paid out of the state treasury.

Approved, March 28, 1854.

## Chap. 208

An Act to authorize certain towns therein named to aid in the construction of a Railroad.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Towns may  
take stock.

SECTION 1. The several boards of supervisors of the towns of Kingston, Buffalo, Montello, Shields, Harris, Crystal Lake and Newton, in the county of Marquette, be,

and they are hereby authorized and empowered, severally to issue the corporate bonds of said towns, to any railroad company whose road may pass through or near said towns, for the payment of such sum of money, not exceeding fifty thousand dollars, for any one town, as may be decided upon by such town; such bonds shall be transferable either by endorsement or delivery, and shall be made payable at a period not exceeding twenty years, with interest, not exceeding eight per cent., at such time and places as the said boards of supervisors may severally determine.

Sec. 2. Upon the execution and delivery of any of the bonds mentioned in the preceding section, such railroad company shall execute to such town a bond secured by mortgage upon such part of the railroad to be constructed by said company, together with the equipments and appurtenances, as shall be agreed upon; which bond and mortgage shall correspond in amount and terms of payment with the bonds to be issued by any such town, in pursuance of this act. The bonds and mortgages so executed by such railroad company, shall be subject to such other lien or mortgage as may be executed by said railroad company for an amount not exceeding one half the cost of said railroad, its equipments and appurtenances, without regard to the date or record of the same.

Sec. 3. The bonds and mortgages executed by said railroad company to any of said towns, and the interest thereon, as well as the faith and credit of the town issuing such bonds, are hereby irrevocably pledged for the payment of the interest and principal of said town bonds issued in pursuance of the first section of this act, and the several boards of supervisors of said towns, whenever necessary, shall levy a tax upon the taxable property of said town, sufficient, with the interest received from said railroad company upon its bonds and mortgages, to pay the interest upon said town bonds, as the same shall fall due.

Sec. 4. No such bonds shall be issued under the provisions of this act, unless a majority of the legal voters of said towns respectively, voting upon said question, at an election called by the board of supervisors, for that purpose, shall vote in favor thereof. At such election, those voting in favor shall vote a ballot containing the words—"For the Railroad;" and those voting against, shall vote a ballot containing the words—"Against a Railroad." Notices of the times and places of holding such elections, shall be given by posting up three written notices in the most public places in each of said towns, at least two

weeks before such election; and the elections shall severally be conducted, and the votes returned and canvassed in the same manner as at elections for town officers.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 28, 1854.

## Chap. 209

An Act to amend Chapter 270 of the Statutes of 1852.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Election of directors.

SECTION 1. The secretary of the Oshkosh and Waupun plank road company is hereby authorized and required to call an election of directors of said company at any time when required so to do by two-thirds of the stockholders in said company, to supercede the ten acting directors whose term of office shall expire upon such election; and notice of such election shall be given by publication two successive weeks in some newspaper published in Winnebago county, of the time and place of holding the same.

Amendatory section.

SEC. 2. Section eight of said chapter 270 of the statutes of 1852, is hereby amended so as to read "City of Oshkosh," where it now reads village of Oshkosh; that section ten of said chapter is hereby so amended as to read circuit court, wherever it now reads district court.

Ibid.

SEC. 3. Section eleven of said chapter two hundred and seventy of the statutes of 1852, is hereby amended so as to authorize the directors of said Oshkosh and Waupun plank road company to erect toll gates and exact toll from travellers on said road when three consecutive miles of said road shall be completed, at the rate prescribed in and under the provisions of said section eleven.

SEC. 4. This act shall go into effect from and after its passage.

Approved, March 28, 1854.

## Chap. 210

An Act relating to certain School Districts,

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Assessments.

SECTION 1. The assessor of the town of Beaver Dam, in the county of Dodge, shall commence the annual assessment of the town of Beaver Dam for the year A. D. 1854,



on the fifth day of April next, and shall assess all property real and personal, in school district number three (3) in said town, on said fifth day of April, on or before the eighth day of said month, at twelve o'clock at noon, at which last mentioned day and hour he shall attend at the office of the town clerk of said town, to hear the complaint of any and all persons who may deem themselves aggrieved by such assessment, and review such assessment of the property in said district. Such assessment and review shall in all other respects be made, reviewed and corrected upon like proof as is now provided by law for the making, reviewing and correcting of assessments. Such review shall be completed, and a copy certified to by said assessor of such assessment of property, so far as the same relates to said school district, shall be delivered to the clerk of said district on or before the 10th day of April aforesaid. The said assessor may make any modification in his assessment, after the first day of June, when making an assessment of the property of said town generally, as he may deem just and reasonable, and shall change or alter the same upon like proof as is now or may hereafter by law be required.

SEC. 2. Any district tax to be collected in said school District tax district before the first day of December next, shall be levied and collected upon the basis of the assessment of property in said district in this act provided for, whether heretofore or hereafter levied by vote of said district.

SEC. 3. This act shall take effect from and after its passage.  
Approved, March 28, 1854.

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An Act appointing Commissioners to lay out a State Road therein named. Chap. 211

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Daniel W. Hubbard, William Root and Fredrick Ellis, be, and are hereby appointed commissioners to lay out and establish a state road commencing at the town of Fort Howard, and striking some point on the Wolf river, between the mouth of Black Creek and Lake Shawana, as may be designated or selected by said commissioners.

SEC. 2. Said commissioners shall be entitled to such compensation for laying out said road as the board of supervisors of Brown county may deem sufficient: *Provided*, that no money shall be paid out of the state treasury therefor.

Approved, March 28, 1854.

**Chap. 212** An Act to provide for laying out and establishing a State Road from Wausau, in Marathon County, to the mouth of Willow River, in St. Croix County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Philip D. Marshall, Charles A. Single, and Asa Laurence, are hereby appointed commissioners to lay out and establish a state road from Wausau, Marathon county, to the mouth of Willow river, in Saint Croix county.

SEC. 2. The counties through which the aforesaid road may pass shall pay such reasonable compensation as the supervisors may deem just.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 28, 1854.

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**Chap. 213** An Act to vacate a portion of Jefferson street, in the Village of East Waupun.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the east end of Jefferson street, running between block one and twelve, and block twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, thirty-six, thirty-seven and thirty-eight, and lots number one, two, three, four and five, on the north side of Water street, in the village of East Waupun, be, and the same are hereby vacated.

Approved, March 28, 1854.

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**Chap. 214** An Act to authorize the construction of a Waste Weir at the outlet of Little Green Lake.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. James L. Willard, his heirs and assigns, are authorized to build and maintain a water weir at the outlet of Little Green Lake, in the county of Marquette, to regulate the flow of water from said lake.

SEC. 2. Nothing in this act shall be so construed as to release said Willard, his heirs and assigns, from any liability for damage by reason of building and maintaining the water weir herein authorized.

SEC. 3. In the event that such water weir shall cause the water to flow back on lands not owned by said Willard,

his heirs or assigns, which flowing is hereby authorized, when he or they shall pay to the owner or owners thereof such sum as such land may be reasonably worth, irrespective of any enhancement of the value thereof, by reason of the erection of said water weir; such value to be ascertained by the verdict of a jury in an action of trespass, and by no other mode) to be by such owner or owners sought in any court of record within said county of Marquette.

SEC. 4. This act is hereby declared a public act, and shall be printed immediately after the passage thereof, and when so printed shall take effect.

Approved, March 29, 1854.

An Act to vacate a portion of certain State Roads therein named.

Chap. 215

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That so much of the state road running from the line between section eighteen and nineteen, in the town of Christiana, in the county of Dane, near the quarter section line; thence running in a south eastern direction, to the point where the said roads intersect the road running from Clinton to the First Lake, at or near the quarter section line on the south-east quarter of section twenty, town six north, range twelve east, be, and the same are hereby vacated, as to that part, and that only located between said points, and said road so vacated, shall be no longer used for the purpose of a public highway.

SEC. 2. All acts contravening the provisions of this act is hereby repealed.

Approved, March 29, 1854.

An Act to provide for laying out a State Road therein described.

Chap. 216

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That W. D. Stanley, T. B. Dwinnell and G. M. Bartholomew, be, and are hereby appointed commissioners to lay out and establish a state road, commencing at the quarter post on the west line of section number seven, in township number nine north, of range number nine east; thence by the most practicable route to the village of Lodi, in Columbia county.

SEC. 2. No expense, or any part thereof, for laying out said road shall be paid out of the state treasury.  
 Approved, March 29, 1854.

**Chap. 217** An Act providing for the holding of County Offices in the County of Outagamie.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The county officers of the county of Outagamie shall have the right to hold their office in such buildings in the village of Appleton as the board of supervisors of said county and said officers may agree upon: *Provided*, that said offices shall be furnished free of charge to said county.

SEC. 2. All acts and parts of acts that conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 29, 1854.

**Chap. 218** An Act to incorporate the Fox Lake and Saint Croix Railroad Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Corporation.**

SECTION 1. Benjamin Allen, W. M. Torbert, John E. Davis, W. H. Gleason, E. B. Kelsey, A. B. Worden, Edward Lees, W. L. McKenzie, Jackson Hadley, Nathan Cadwell and Eben Farrington, are hereby created a body corporate by the name, style and description of "The Fox Lake and Saint Croix Railroad Company," with perpetual succession, and by that name shall be, and are hereby made capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements, and hereditaments so far as may be convenient for the purpose of constructing a railroad, as hereinafter set forth, and the same to lease, sell, grant or in any manner dispose of, to contract and be contracted with; to sue, and be sued; plead, and be impleaded; answer, and be answered; defend, and be defended; and also to make, have and use a common seal the same to alter or renew at pleasure, and generally may do and perform all and singular the acts and matters, which to any corporation shall lawfully appertain to do and perform for the well being of said corporation.

**Powers.**

SEC. 2. The capital stock of said company shall be two million of dollars, and shall be divided into shares of one hundred dollars each; and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for receiving subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscriptions; which books shall be opened within three months from the passage of this act, at such place or places as they may deem expedient, by giving ten days notice in a newspaper published in the counties of Dodge or Marquette of the time and place of opening said books, or by notice in writing, or by agreement of a majority of the said corporators, as they may elect. Capital stock.

SEC. 3. So soon as fifty thousand dollars or more of the capital stock of said corporation shall be subscribed, and five dollars on each share paid thereon, the above named corporators, or a majority of them, shall give notice to the stockholders in such manner as they may determine, of the time and place for holding a meeting of the subscribers or stockholders to choose directors for the said corporation; and the said stockholders may at any such meeting proceed to elect not less than nine nor more than fifteen directors from the said stockholders, by ballot. Each share of stock shall be entitled to one vote, and the corporators, mentioned in the first section of this act, or such of them as are present at the said meeting, shall be inspectors of such election, and shall certify in writing what persons are elected directors, and shall appoint the time and place for holding the first meeting of the board of directors, at which meeting a majority shall form a quorum, competent to transact the business of said company; and thereafter an election of directors shall be held annually, at such time and place, as the stockholders shall at their first meeting determine, and in case the stockholders shall fail to appoint the time and place of said meeting, and shall give thirty days notice in a newspaper published in either of the counties of Dodge or Marquette of such meeting, and in case no election is held on the day appointed, the same may be held at another time, on notice as aforesaid, and until such election is held, the directors of the preceding year shall continue to act, until an election has been held, and other directors elected in their stead: *Provided*, That in case of vacancy from the death, removal or resignation of any director, such vacancy may be filled by a majority of the board of directors. Organization.

Affairs of company, how managed.

SEC. 4. The affairs of said company shall be managed by a board of not less than nine, nor more than fifteen directors, who shall be chosen annually, by ballot, as herein prescribed, by the stockholders of said company, the votes to be delivered in person or by proxy duly authorized; which directors shall appoint one of their number president and one vice president, who shall respectively serve for one year, or until other directors are elected.

Business.

SEC. 5. A majority of the board of directors shall be a quorum for the transaction of any business; they shall meet at such times and place, and be canvassed in such manner as they shall decide upon; they shall elect by ballot one of their own number to be president, who shall, when present, preside at all meetings of the directors and stockholders, and when absent, the vice-president shall discharge the duties of president, and in case of the absence of the president and vice-president, the directors may appoint a president *pro tem.*, who shall discharge the duties of president during the absence of president and vice-president; the said directors may appoint a secretary, treasurer, and such engineers, superintendents, agents, and other officers as they may deem necessary, fix their compensation, and may demand adequate security for the performance of their respective duties and trusts, and may fill any vacancy which may occur in their own board; the directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate; they shall prescribe the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company, the share or shares of any person failing to pay any instalment so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, co-partnerships or corporations whatsoever, as the execution and management of the works, convenience and interests of the company may require; to make and establish such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of the United States, or of this state, as they shall think necessary, for the well ordering of the affairs of said company; and in general to superintend and direct all the appropriations, receipts, disbursements, and all other affairs and proceedings of said company.

SEC. 6. The directors shall issue a certificate, or certificates, to the stockholders, for the number of shares held by them respectively in said corporation, signed by the president and secretary, and sealed with the common seal of the company, subject, however, to all the payments due, or to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Stockholder's  
certificates.

SEC. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to them, a complete statement of the affairs and doings of the company for such year. Special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Directors shall  
exhibit annual  
statement.

SEC. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such point in Fox Lake, in Dodge county, to such point on Saint Croix river as shall be determined upon by the board of directors; and the said company shall have power to transport, take and carry property and persons upon such road, by any power and force whatever, and to make, construct and put in operation all such turn-outs, side tracks and connecting tracks, as they shall think will promote the interests of the company; and to erect and construct all such depots, station-houses, ware-houses, car-houses and shops, engine-houses and shops, toll-houses, machine-shops, and all other fixtures useful for the accommodation of said road, and of those using it; to manufacture or purchase all necessary engine-tenders, cars and other conveniences for running said road; and they shall have power to connect the said railroad with any railroad or branch railroad in this state, and to operate the same in connexion with such other railroad or branch railroad.

Further pow-  
ers.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity, to borrow any sums of money from any person or persons, corporations or body politic of any kind and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, any laws on the subject of usury in this state or any other state, where such transactions may be had, to the contrary not-

May borrow  
money.

withstanding ; and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount and kind, as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repairs, equipment or running of said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said company, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

**When road to  
be commenced**

SEC. 10. If said corporation shall not within two years from the passage of this act, commence the construction of said road, then the rights, privileges and powers of said corporation under this act shall be null and void.

**Right of way.**

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage ; and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such land, not exceeding one hundred feet in width, along the line of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively ; and said company are further authorized, by their officers, engineers, agents and servants, to enter upon land adjacent to the railroad beyond the limits of one hundred feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station-houses and other buildings necessary for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth, gravel and stones, taken from cuts, and to obtain earth, gravel and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage ; and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and



paid for in the manner and agreeably to the provisions of this act; and when such damage shall have been paid or tendered, the title to lands occupied by such buildings, fixtures, excavations and embankments shall vest in fee simple in said company or agreeable to this provision; and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to said road for the purpose of procuring earth, gravel or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

SEC. 12. The said company shall have the right to enter upon any lands required for their use, as provided in this act, and to survey and lay out said road, not exceeding two hundred feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if the person, or persons, owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disabilities, then the guardian of such person, or the husband of such married woman; and if such company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitrators in the manner following, to wit: the said company shall select a disinterested arbitrator, and such owner, guardian, or husband, shall select another, who shall be disinterested, and not of kin to him, or if they should neglect or refuse, for the space of three days after being notified by said company so to do, or if they be non-residents of the state, they shall be notified by mail, by letter, signed by the secretary, and addressed to their usual place of residence, to select such arbitrators, and if they shall neglect or refuse, for the space of sixty days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the judge of the circuit court of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimant, or in any manner interested in said company, and the said arbitrators having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which

Compensation,  
how to be de-  
termined.

shall be paid by said company to such persons for the land so taken, and shall deliver a copy of their award in writing to each of the parties; and if the amount awarded by said arbitrators shall be more than said company shall have previously offered to pay, then said company shall pay all the expenses of said arbitration; and if it shall be less, then the other party shall pay such costs; and either party may within ten days after receiving a copy of such award, appeal from the same to the circuit court of such county, by giving written notice of such appeal to one of the arbitrators; and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceeding to said court, and the said court shall enter the cause on its docket, setting down the claimant, or claimants, as plaintiff, and the said company defendant; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration; and the said court shall thereupon proceed to render judgment in favor of said claimant against said company, and if the amount so found for such claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs; and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs and against said complainant; and when such compensation so to be ascertained, according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in said company, in fee simple, and a copy of such award or judgment, filed in the office of the register of deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said lands, for the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceedings either at law or equity.

Individual  
property liable

SEC. 13. The property of every individual invested in said corporation, shall be liable to be taken in execution for the payment of his or her debts, in such manner as is

may be provided by law: *Provided*, that all debts and unpaid stock due said company shall be first paid.

SEC. 14. On the completion of said railroad on any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the passage and freight of persons and property, as they shall from time to time think reasonable. When company may demand passage or freight money.

SEC. 15. For the convenience of persons owning or possessing land through which said railroad shall pass, it shall be the duty of said company when organized, to make a road and sufficient passage over or under said railroad, whenever the same may be necessary, to enable the occupants of said lands to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage way in each farm, and when any public road shall cross said railroad in any farm, the person owning such farm shall not be entitled to require said company to make any additional causeway, and that said company shall have the right and authority to construct the said railroad upon and along, across, over or under any public or private highway, road or street, and over any stream of water or water-course the same shall be necessary. Company shall make passage ways.

SEC. 16. Any person who shall wilfully and maliciously place any obstructions or thing upon the track of said road, shall remove or damage any part thereof, in such manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether or not result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for term not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing of such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished accordingly to the law in such case made and provided. Obstructions.

SEC. 17. This act shall be in force from and after its passage; and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad for the purpose of procuring earth, stone or materials for the construction of said roadway, materials for construction. Roadway, materials for construction.

and repair of said road, or buildings and fixtures connected therewith; and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same.

Declared a public act.

SEC. 18. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin, shall be received as evidence thereof.

Increase of capital stock.

SEC. 19. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as they may deem necessary to complete said railroad.

Shall fence road.

SEC. 20. The said company before opening their road through enclosed grounds, shall erect such fences as shall preserve such enclosures entire; and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road through all such enclosed grounds; and shall maintain the same.

Approved, March 28, 1854.

## Chap. 219

An Act to change the time of holding the Circuit Court in the several Counties in the Third Judicial Circuit.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Times of holding courts.

SECTION 1. The terms of the circuit court in the third judicial circuit shall be held at the times and places following, to wit: In the county of Sauk on the first Monday of March and on the first Monday of September, in each year; in the county of Columbia on the third Monday of March and on the second Monday of September in each year; in the county of Marquette on the fourth Monday of March and on the fourth Monday of September in each year; in the county of Dodge on the second Monday of April and on the second Monday of October, in each year; in the county of Washington on the fourth Monday of April and on the third Monday of October, in each year; in the county of Ozaukee on the first Monday of May and on the fourth Monday of October, in each year.

Process where returnable.

SEC. 2. This act shall take effect from and after the first day of July next; and all writs summonses, processes, recognizances or other proceedings made returnable by any law of this state to the terms of the several circuit courts

tioned in this act, which shall issue or be had after next terms of the said several circuit courts as now provided by law, shall be returnable to the first terms of court next after the first day of July next, of the respective counties mentioned in this act.  
 approved, March 29, 1854.

An Act relating to the Village of Madison.

Chap. 220

*The people of the State of Wisconsin, represented in the Senate and Assembly, do enact as follows :*

SECTION 1. That the president and trustees of the village of Madison shall have power, and they are hereby authorized to levy and collect a tax for corporation purposes on the taxable property in said village, not exceeding five mills on the dollar upon the assessed value thereof in one year. Powers and duties.

SEC. 2. At the time of levying the tax aforesaid, the president and trustees of said village shall have power, and are hereby authorized to levy and collect a poll tax of one day's labor upon every male resident of said village of the age of twenty-one, and under the age of fifty years, or in lieu thereof the sum of seventy-five cents, which shall be paid into the village treasury. Ibid.

SEC. 8. That the president and trustees, together with the marshal, and all the special constables of said village, shall constitute the police force thereof, and upon them respectively is imposed the duty of enforcing all the ordinances and by-laws of said village relative to preserving peace, good order and quiet thereof, and of summarily preventing violations of the laws and ordinances of the same. Police.

SEC. 4. It shall be the duty of the president of said village to superintend and direct the police officers generally, to see that they perform their respective duties with promptness and fidelity, and from time to time to take such measures and establish such rules as he may deem expedient for the preservation of the peace, and the due execution of the ordinances; and the trustees, as conservators of the peace, shall co-operate with the president in the discharge of said duties. The marshal of said village shall be constituted the acting chief of the police, and all other police officers except the president and trustees, shall be subject to his direction, and shall perform such duties as he shall from time to time require. All deputy Ibid.

marshals and special constables appointed in said village, before entering upon the discharge of their duties, shall take and subscribe the same oath of office which the president and other officers of said village are by law required to take and subscribe, which oath shall be filed with the clerk of the corporation.

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Sec. 5. It shall be the duty of the marshal and all deputy marshals and special constables, and they are hereby authorized and required to summarily arrest and take before any justice of the peace of said village, all persons who shall be found within the corporate limits of the said village in a state of drunkenness or intoxication, and also all persons who shall be guilty of any boisterous revelry or obscenity, or who shall be guilty of making any improper noise or disturbance, firing guns or fighting in said village; and such justice of the peace shall have power to hear, try and determine, all such offences; and upon conviction, such person shall be fined, for the use of the corporation, in a sum not exceeding fifty, nor less than three dollars, and costs of suit, and in default of payment of such fine and costs, shall be committed by the justice to the county jail of Dane county, there to remain until such fine and costs, with expenses of imprisonment, be paid, or such offender be discharged by due course of law: *Provided*, that if such person so arrested shall be found in a state of intoxication, or if arrested between the hours of seven o'clock at night and seven o'clock in the morning, it shall be lawful for such arresting officer to forthwith convey such person to the common jail of said county, there to remain for a period not exceeding twenty-four hours, within which time it shall be the duty of said arresting officer to take said person before such justice to be tried in manner aforesaid: *Provided further*, that in computing the said period of twenty-four hours, the time before twelve o'clock, on any Saturday night, and twelve o'clock on the following Sunday night, shall not be included.

Fines to be  
paid over to  
the school  
fund.

Sec. 6. All fines inflicted and paid in, in pursuance of this act, shall immediately after the receipt thereof be paid to the treasurer of the said village, who shall give a receipt therefor; which receipt shall be filed with the clerk of the corporation; and the said treasurer shall pay over the same to the school fund.

In case of re-  
fusal or neg-  
lect of police  
officers to per-  
form duties.

Sec. 7. If the marshal, deputy marshal, or any special constable of said village, shall neglect or refuse to perform any duty required of him by this act, he shall forfeit and pay a fine or penalty to and for the use of said corporation

not less than three, nor more than fifty dollars, to be recovered in like manner as other fines are by this act made recoverable.

Sec. 8. The following, or equivalent forms, may be used under the provisions of this act: Form of complaint.

*Form of Complaint.*

State of Wisconsin, }  
County of Dane, } ss.  
Village of Madison, }

A. B., being duly sworn and examined, makes complaint and says, that in said village, on the — day of —, A. D. eighteen hundred and fifty —, one C. D. — was guilty of (here state the nature of the offence,) violation of law, and prays that the said C. D. may be apprehended to answer therefor.

A. B.

Subscribed and sworn to before me this — day of —, A. D. eighteen hundred and fifty —.

— Justice of the Peace.

Upon such complaint being filed with the justice, he may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form: *Provided always*, that in any case where an offender may have been arrested without warrant, the said justice may proceed upon the complaint alone:

*Form of Warrant.*

Form of warrant.

State of Wisconsin, }  
County of Dane, } ss.  
Village of Madison, }

To the marshal of the village of Madison, or any constable of the county of Dane: Whereas A. B. has this day complained to me in writing on oath, that in the said village, on the — day of —, A. D. eighteen hundred and fifty —, one C. D. was guilty of (here state the nature of the offence). Now, therefore, in the name of the State of Wisconsin, you are hereby commanded to arrest said C. D., and bring him before the undersigned, one of the justices of the peace of said county, to answer to said complaint, and to be dealt with according to law: Given under my hand, this — day of —, A. D. eighteen hundred and fifty —.

E. F., Justice of the Peace.

How justice to proceed.

SEC. 9. On the person complained of being brought before the justice either with or without warrant, as the case may be, the justice shall enter a suit on his docket in which the State of Wisconsin shall be plaintiff, and the accused defendant; and all the laws of this state having reference to trials of criminal offenders before justices of the peace, shall be applicable to the trial of any person complained of in pursuance of this act, as fully as if such laws were herein repealed.

All former contracts declared valid.

SEC. 10. All contracts and agreements which have been made and entered into by the president and board of trustees of the said village, for payment of money loaned for the use of the said corporation and interest thereon, are hereby declared valid and binding upon said corporation.

SEC. 11. Sections one and two of "an act relating to the village of Madison," approved April first, eighteen hundred and fifty three, and all acts or parts of acts inconsistent with this act, are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved, March 29, 1854.

## Chap. 221

An Act concerning County Officers of the County of Chippewa.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

What constitutes Chippewa county.

SECTION 1. The county of Chippewa shall constitute one town until the same shall be divided into three or more towns, according to law. The board of town supervisors shall be the board of county supervisors, until such division.

Election of county officers

SEC. 2. There shall be an election held at the county seat and the organized precincts of the said county of Chippewa, on the first Tuesday of April next, for the purpose of electing a sheriff, a coroner register of deeds, a clerk of the board of county supervisors, a county surveyor, a clerk of the circuit court, a county treasurer, and such other officers as shall be requisite to carry into effect a full and complete organization for judicial and county and other purposes; said officers shall hold their offices until the first day of January, 1855, and until the election and qualification of their successors respectively; there shall also be elected one county judge, who shall hold his office until



the first of January, 1858, and until his successor is elected and qualified.

SEC. 3. The votes shall be canvassed and certificates issued by the judges of election held at the Falls of Chippewa, and upon the return thereof the judges of the election at the other precincts shall be duly returned to the board of canvassers or judges of election at the Falls of Chippewa within six days after such election.

How votes to be canvassed and returned.

SEC. 4. This act shall take effect from and after its passage, and shall be published immediately.

Approved, March 29, 1854.

An Act to vacate, discontinue and relay a certain portion of the Sheboygan and Fond du Lac Road. Chap. 222.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that piece and portion of the Sheboygan and Fond du Lac road where it leaves the section line between sections fourteen (14) and eleven, (11) in town fifteen, (15) north of range nineteen (19) east, about forty-five rods east of the corner of said sections, to the point where said road intersects the section line between sections ten (10) and fifteen, (15) in said town and range, about one hundred and twenty-five rods west from the section corners of the said last mentioned sections, is hereby vacated and discontinued.

What portion vacated.

SEC. 2. James McClements, J. C. Prentice and J. A. Commission-ers are hereby appointed commissioners, and are hereby authorized and required to lay out a road on said section line, between sections eleven, (11) and fourteen, (14) and ten, (10) and fifteen (15) in said town and range.

SEC. 3. All damages occasioned by the laying out of said portion of said road mentioned in section two of this act shall be assessed and paid in the same manner as damages occasioned by the laying out of roads under the laws of this state.

Damages.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 29, 1854.

**Chap. 223** An Act to provide for the re-organization of the School Districts in the Town of Germantown.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Committee to  
organize dis-  
tricts.

SECTION 1. The supervisors, the town clerk and the superintendent of schools of the town of Germantown, in the county of Washington, are hereby appointed a committee for the purpose of re-organizing the school districts of said town; and it shall be their duty to meet between the first and fifteenth days of May next, at such place as a majority of them may designate, and then and there proceed to define and make such alterations of the boundaries of the different school districts in said town as they may deem expedient and practicable, having due regard to the location of school houses already built, and to districts organized in which may be no disputes as to their boundaries or location of school houses; and the decision of a majority of said committee shall be final.

How to pro-  
ceed.

SEC. 2. The committee above named may adjourn from time to time as occasion may require, and shall deposite and file a plat of the school districts so organized or replatted, on or before the fifteenth day of May next, in the office of the town clerk of said town, whose duty it shall be, immediately after the filing of said plat, to cause notices to be given to the inhabitants of such school districts as may have been altered, to meet in their respective districts, defining in said notice the boundaries of the same, at some day in the month of June, for the purpose of electing their district officers, to designate a site for a school house and to raise a tax for the building of the same, and to transact such other business as may be authorized by law for the holding of annual district meetings; and in such districts as may have been altered by said committee the term of office of the present officers shall expire as soon as others are elected as herein provided.

Duty of clerk.

SEC. 3. The clerk aforesaid shall post up such notices at least ten days before such meeting, in five of the most public places in each district where a meeting is required to be held under this act, and said meeting shall be conducted in all respects as provided by law for the holding of annual meetings in school districts, and the persons elected shall ir offices until others are elected, at the next annual meeting.

SEC. 4. The district meetings herein provided for, shall have power to select a site for a school house and to raise a tax for the building of the same, not to exceed a sum as now provided by law. Power of districts.

SEC. 5. The districts after being so organized shall not be altered or changed for the term of three years, except by a majority of the committee or their successors in office, any other law to the contrary notwithstanding. When districts may be changed.

SEC. 6. If the office of superintendent and town clerk aforesaid should be held by one and the same person; then the supervisors shall appoint some suitable person to constitute the fifth member of said committee, who shall have the same powers as the other persons herein named. Committee.

SEC. 7. The secretary of state shall cause this act to be printed immediately after its passage in the official paper at Madison, and in the Banner and Volksfreund, at Milwaukee. Act to be published.

SEC. 8. All acts and parts of acts contravening the provisions of this act, are hereby declared inoperative as regards the town of Germantown aforesaid, and for the term herein mentioned.

Approved, March 29, 1854.

An Act concerning Roads in the Town of Ottawa.

Chap. 224

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Thomas Snyder, John O. Harrison and Peter D. Gifford, be, and are hereby appointed commissioners. Commissioners. to alter the present location of a state road on section thirteen, town six, north of range seventeen east, and also a territorial road of the same town, as they deem the most expedient.

SEC. 2. All damages occasioned by the altering of that portion of said road mentioned in the preceding section shall be assessed and paid in the same manner as damages occasioned by the laying out of roads under the laws of this state. Damages.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 29, 1854.

**Chap. 225** An Act to amend an act to authorize the County of Kenosha, and the towns therein, through which the Kenosha and Beloit Railroad passes, to aid in its construction.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section second of an act entitled "an act to authorize the county of Kenosha, and the towns therein, through which the Kenosha and Beloit railroad passes, to aid in its construction," approved February 13, 1854, is hereby amended, so as to limit the amount of bonds to be issued by the county of Kenosha, to said railroad company, in the aggregate, to the sum of one hundred thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 29, 1854.

**Chap. 226** An Act to attach sections Nos. one, two, three, four and five, in township No. twelve north, of range No. eight, to Lewiston.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that part of sections number one, two, three, four and five, in township number twelve, north of range number eight, lying on the north side of the Wisconsin river, are hereby attached to the town of Lewiston, in Columbia county, and shall form a part thereof.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 29, 1854.

**Chap. 227** An Act to incorporate the "South Line and Wausau Plank Road Company."

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Corporators.** SECTION 1. Charles A. Single, Benjamin F. Cooper, Benjamin F. Berry, James Moore, Benjamin Single, Truman Keeler, Henry Cate, William Scholfield and Walter D. McIndoe, are hereby created a body corporate, by the name and style of the "South Line and Wausau Plank Road Company," with perpetual succession, and shall by that name be and are hereby made capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements, hereditaments, so far as may be necessary for the

purpose of constructing a plank road, as hereinafter set forth, and the same to lease, sell, grant or in any manner dispose of; to contract, and be contracted with; to sue, and be sued; plead, and be impleaded; answer, and be answered; defend, and be defended; and also to make, have and use a common seal, the same to alter or renew at pleasure, and generally may do and perform all and singular the acts and matters which to any corporation shall lawfully appertain to do and perform for the well being of said corporation.

SEC. 2. The capital stock of said corporation shall be **Capital stock.** twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each, and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient, and so soon as one hundred shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

SEC. 3. The said corporators, or a majority of them, after **Duty of corporators.** said one hundred shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders, for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, the said stockholders shall meet to elect directors: *Provided,* That until the first election of directors, the said corporators above named, upon the subscription of three hundred shares of stock and the organizing of said corporators, by the election by them of one of their number president, shall have all the powers, and perform all the duties of a board of directors for said company, and the corporate existence of said company, shall be taken and held to have began and be completed as if a regular election of directors had taken place, and in case of vacancy at any time happening in the board of directors, or in the said board of corporators, acting in the capacity of directors, the board shall have power to fill such vacancy.

SEC. 4. The affairs of said company shall be managed by **Affairs, by whom managed.** the said directors, who shall be stockholders in person or by proxies, duly authorized, and in all elections and in all

discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections, where the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

**Quorum.**

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of the state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

**Power of directors.**

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such instalments as may be called for, and also to accept, in behalf of the company, a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same valid releases, discharging them from all liabilities thereafter, for or on account of the acts of said company or its officers.

**Ibid.**

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interests of the company may require, and may issue to each stockholder a certificate or certificates for the share or shares, which he, she, or they may subscribe for, stating in the body of the certificate or certificates the amount paid on such share or shares at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which

ertificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

SEC. 8. The said company shall have power to locate and construct a single or double track road from the South line of Marathon county to Wausau, in said Marathon county, on the east side of the Wisconsin river, via Little Fall Falls, on the most eligible and practicable route, as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, timber, either whole or in part of any of the aforesaid mentioned substances, each at the option of the directors, so that the same when completed shall constitute a firm, regular and proper surface for the passage of wagons and carriages. Power to construct track.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That, in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed four rods in width; and they may also cut down such trees, on each side of such road, as may endanger said road by falling, or otherwise. Right of way.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made herein, and in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said Damages.

warrant; and if at the time and place named, and of the persons so summoned, do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of seven jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person, or by attorney, the sheriff or constable shall, for him, her or them, strike off each two of said jurors, and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace, shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road; and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon, shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court, of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of land in question, and the value thereof as aforesaid, and such valuation, when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken, shall be used for the track of said plank road: *Provided*, that it shall not be lawful for said justice or jury of inquest to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall, in like manner be shown that such owner or owners are under age, or *non compos mentis*, or absent from the county in which such land is



tuated. Such service of notice, may be made upon the guardian or trustee, with the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, that no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, that any party conceiving himself aggrieved by any decision herein stated, may, in every such case, appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

SEC. 11. The directors shall have power, in their discretion, to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width, and in such manner as the said directors shall determine: *Provided*, they procure, by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company, to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of said town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll gates, and exact toll from persons travelling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding five cents per mile, for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, two cents per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, three cents per mile; and for every horse and rider, or led animal, two cents per mile; for one score of sheep or swine, three cents per mile; and for every score of neat cattle, seven cents per mile: *Provided*, persons going to or from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid.

Where may  
construct road.

Toll

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock

Payment of  
stock.

subscribed by him, real or personal [subject] to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and a certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company, interest, at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, or any of them, in the same manner as if the same were made payable to individuals, or to their order or assigns.

Penalty for injury to road.

SEC. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof, or any work, building or fixtures, attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Or gate.

SEC. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate, without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for use of all damages.

May increase capital stock.

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company,

may be found necessary to complete said road, in such sections as may have been actually commenced, but retain in an unfinished state for want of means for completing the same.

SEC. 16. If said corporation should not within three years from the passage of this act, commence the construction of said plank road, and expend two thousand dollars or more thereon, then the rights, privileges and powers of said corporation, under this act, shall be null and void. When road to be commenced

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received in evidence thereof.

Approved, March 29, 1854.

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An Act to incorporate the Lake Michigan and Cedarburg Plank Road Company. Chap. 228

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Charles Quentin, Edward H. Janssen, H. G. O. Kemper, Titus Fernow, Frederick Hilgen and Frederick Borner, are hereby created a body corporate, by the name, style and description of the Lake Michigan and Cedarburg Plank Road Company, with perpetual succession, and by that name shall be, and are hereby made capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements, hereditaments, so far as may be necessary, for the purpose of constructing a plank road as hereinafter set forth, and the same to lease, sell, grant, or in any manner dispose of, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a common seal, the same to alter or renew at pleasure, and generally may do and perform all and singular the acts and matters which to any corporation may lawfully appertain to do and perform for the well being of said corporation. Corporators, and their powers.

SEC. 2. The capital stock of said corporation shall be twenty thousand dollars, and shall be divided into shares of ten dollars each; and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock. Capital stock.

of said corporation, and shall prescribe the form of subscription, which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient, and so soon as three hundred shares shall be subscribed for, and five per cent of the amount thereof actually paid in, the said corporation shall be authorized to proceed to a full and complete organization.

**Election of directors.**

SEC. 3. The said corporators, or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders, for the purpose of electing five directors, who shall hold their offices until their successors are elected, and annually thereafter; upon the anniversary of the first election, upon notice of the place of meeting being given, the said stockholders shall meet to elect directors: *Provided*, that until the first election of directors, the said corporation, above named, upon the subscription of three hundred shares of stock, and the organization of said corporation, by the election of one of their number president, shall have all the powers, and perform all the duties of a board of directors for said company; and the corporate existence of said company, shall be taken and held to have began and be completed as if a regular election of directors had taken place; and in case of vacancy at any time happening in the board of directors, or in said board of corporators, acting in the capacity of directors, the board shall have power to fill such vacancy.

**Affairs, how to be managed.**

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, in person or by proxies, duly authorized; and in all elections, and in all discussion of all questions, acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote; and the majority of votes cast shall govern, except in elections, when the five persons having the greatest number of votes cast for directors, shall be declared duly elected.

**Powers of directors.**

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president; and they shall have power to appoint a secretary and treasurer and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they

shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

SEC. 6. The said board of directors shall also have power <sup>Ibid.</sup> to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments hereon for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed and executed to the person or persons relinquishing the same, valid releases discharging them from all liabilities thereafter, for, or on account of the acts of said company, or its officers.

SEC. 7. The said directors shall have power to regulate <sup>Ibid.</sup> tolls, and to make such covenants and contracts in the name and the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president, and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

SEC. 8. The said company shall have power to locate and <sup>Route of road.</sup> construct a single or double track road from the Lake shore of Lake Michigan, on section twenty-three, in township ten, north of range twenty-two east, to any point in the town of Cedarburg, to intersect the Milwaukee and Fond du Lac plank road, by the most eligible and practicable route, as the directors shall decide; the track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

Company may  
enter upon  
lands.

SEC. 9. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width; and they may also cut down such trees, on each side of such road, as may endanger said road by falling or otherwise.

In case of disagreement in  
regard to damages.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor; or when by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein; and, in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff, or any constable of said county, not directly interested, requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of seven jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person, or by attorney, the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impar-

ially value the land and material required for such road; and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon, shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court of the proper county who shall file the same; such inquisition shall describe the property taken, or to be taken, or the boundaries of land in question, and the value thereof as aforesaid; and such valuation, when paid, together with costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land, thus valued and taken, shall be used for the track of said plank road: *Provided*, that it shall not be lawful for any justice or jury of inquest to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall, in like manner, be shown that such owner or owners are under age, or *non compos mentis*, or absent from the county in which such land is situated; such service of notice may be made upon the guardian or trustee under the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, that no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof; *and, Provided further*, that any party conceiving himself aggrieved by any decision herein stated, may, in every such case, appeal from such decision, to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

SEC. 11. The directors shall have power, in their discretion, to construct said plank road along or upon any road or Further power of directors.

**Tolls.**

highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine; and they may erect toll gates and exact toll from persons travelling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll-gatherer at each gate when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid.

**What property may be taken for stock.**

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security, subject to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and pay to said company interest, at the rate of twelve per cent. per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals, or to their order or assigns.

**Injury to road, penalty.**

SEC. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof or any work, building or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence be liable to a civil suit for the recovery of damages by said



company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to imprisonment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 14. Any person who shall wilfully break down any gate erected on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly and fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage or animal, turn out of said road, or pass any gate thereon or ground adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars to and for the use of said company, and also for all damages.

SEC. 15. The directors of said company, at any annual special meeting of the stockholders, may provide for an increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

SEC. 16. If said corporation should not, within three years from the passage of this act, commence the construction of said plank road, and expend one thousand dollars or more thereon, then the rights, privileges and powers of the said corporation, under this act, shall be null and void.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended; and the same is hereby declared to be a public act, and copies thereof, printed by authority of the state, shall be received as evidence thereof.

Approved, March 29, 1854.

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An Act to vacate a part of a Street in the County of Rock herein described. Chap. 229

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That all that part of Pleasant street, in the village of Beloit, Rock county, that is north of block thirty-four, and that portion of said street that was laid out west of said block, and north of the south line of lot three, block thirty-three, and that portion of said street that was laid out north of block forty-six, is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 29, 1854.

## Chap. 230

An Act to incorporate the Linden Mining and Smelting Company.

*The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows :*

Corporators,  
and their pow-  
ers.

SECTION 1. Montgomery M. Cothren, William Heathco and Francis Vivian, their associates and successors, hereby constituted a body corporate and politic, by the name and style of the Linden Mining and Smelting Company, and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto, in courts of law and equity ; may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to corporations, for the purpose of mining, smelting and manufacturing zinc, lead and copper, and the ores of said metals, in the county of Iowa.

Ibid.

SEC. 2. Said corporation shall have power to purchase, hold and convey real estate : *Provided*, that the cost of the real estate held by said company at any one time shall not exceed one hundred thousand dollars.

First meeting.

SEC. 3. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such time and place in said county as they shall designate, and at such meeting, and at all other meetings duly notified, said corporation may make and alter such by-laws, rules and regulations for the management of the business of said corporation, as a majority may direct, not repugnant to the laws of this State or the United States.

Stock.

SEC. 4. Said corporation may divide their stock into many shares, and provide for the sale and transfer thereof in such manner as said corporation shall from time to time deem expedient.

SEC. 5. This act is hereby declared to be a public law, and the same shall be construed favorably in all courts and places whatever. And the same shall take effect from and after its passage.

Approved, March 29, 1854.

## Chap. 231 An Act to authorize the construction of a Dam across the La Crosse

*The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows :*

Power to con-  
struct dam.

SECTION 1. Monroe Palmer, his associates, successors, heirs and assigns, are hereby authorized to construct and maintain a Dam across the La Crosse river, to the bed

'ten feet from the water mark, on the north east quarter section 34, and the north east quarter of the south-east quarter of section 27, town 17, north of range 6 west of the north principal meridian, in the county of La Crosse, and so to erect mills or other machinery, or in any other manner make use of the water for hydraulic purposes.

Approved, March 29, 1854.

An Act to vacate Ward's addition to the Village of Dartford, in Marquette County. Chap. 232

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That all that part of the village plat of the village of Dartford, in Marquette county, known as Ward's addition, is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 29, 1854.

An Act to repeal an act, entitled "An act concerning the Circuit Court in Bad Ax County," approved March 9th, 1854. Chap. 233

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Whereas, Before the act entitled "an act concerning the circuit court of Bad Ax county," approved 9th March, 1854, changing the spring term of the Bad Ax circuit court, in this state, from the second Monday in March to the second Monday in May, was published and took effect, the said spring term of said circuit court was held on the said second Monday in the said month of March, in the present year, (1854,) and there being now no necessity for the said change; therefore,

SECTION 1. The said act, entitled "an act concerning the circuit court in Bad Ax county," approved 9th March, 1854, is hereby repealed, and the said spring term of said Bad Ax circuit court, shall hereafter commence on the said second Monday of March, as prescribed by law, previous to the passage of the said act, hereby repealed. Act repealed.

SEC. 2. The late spring term of said Bad Ax circuit court, commenced and held on the second Monday of March, in the present year, (1854,) is hereby declared to have been a legal and properly appointed term of said court; and all Term declared legal.

the judicial and ministerial acts, judgments, decrees, orders, rules and proceedings whatsoever, done and entered in said court, at said term, are hereby declared to be valid, legal and binding, to all intents and purposes, to the full extent they would have been had not the said above entitled act, changing the term as aforesaid, been passed.

SEC. 3. This act shall take effect and be in force from and after its passage, and shall be published immediately.

Approved, March 30, 1854.

**Chap. 234** An Act to authorize School District No. one, of the Town of Jefferson, to raise a special tax.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**District may  
levy tax.**

SECTION 1. It shall be lawful for school district number one, in the town of Jefferson, in the county of Jefferson, at any annual or special meeting of said district, to levy on the taxable property of said district a tax, not to exceed one thousand dollars, for the purpose of purchasing a site and erecting a school house thereon, or of building an addition to the school house in said district.

**Notice to be  
first published.**

SEC. 2. Before levying such tax, it shall be the duty of the clerk of said district, by direction of the district board, or upon application of any five of the taxable inhabitants of said district, to publish for three weeks successively in a newspaper printed in said town, a notice of the time and place of holding the district meeting, for the purpose of voting upon the question of levying said tax.

**Power of dis-  
trict meeting.**

SEC. 3. Such district meeting when assembled shall be organized in the same manner as district meetings are usually organized, and shall have power, by vote, to raise by tax upon the taxable property of said district, any portion of the aforesaid sum of one thousand dollars, deemed necessary for the purpose mentioned in the first section of this act, and to adjourn from time to time as may be necessary for the purpose of carrying out the intention of this act.

**Duty of clerk.**

SEC. 4. It shall be the duty of the clerk of said district, within twenty days after the whole or any portion of said tax is, by vote, ordered to be raised, to apportion the same upon the taxable property of said district, in equal ratio, upon the valuation as appears in the last preceding assessment roll of said town.

SEC. 5. If the district board shall discover that any portion of the lands in said district subject to tax, was omitted the last preceding assessment roll, it shall be their duty add the same to the list of property of said district at its relative value, and the lands so added shall be subject the same relative proportion of tax as other lands in said district.

In case of omission in assessment.

SEC. 6. It shall be the duty of the clerk of said district, as soon as the tax list is completed, to annex thereto his warrant, as provided in section seventy of chapter nineteen of the revised statutes, and to commit the same to the treasurer of said district for collection.

Collection.

SEC. 7. It shall be the duty of the treasurer of said district, upon the receipt of said tax list, to collect the same in obedience to the requirements of said warrant; and if any portion of said tax shall remain unpaid, at the expiration of the time limited in said warrant, it shall be the duty of said treasurer, within five days thereafter, to return the same to the town clerk of his town, as required by section seventy-one of chapter nineteen of the revised statutes; and the town clerk, upon the receipt of said list, shall proceed in the same manner as is provided by said chapter nineteen in relation to unpaid school district taxes; and no repeal, modification or change of said statute which has been or shall be made, shall in any manner effect the validity of the proceedings under this act.

Ibid.

Approved, March 30, 1854.

An Act providing for the removal of the County Seat of Waupacca County to Waupacca therein.

Chap. 235

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. At the annual election, to be held in the month of November next, the qualified electors of the county of Waupacca may vote upon the question of removal of the county seat of said county from Mukwa to Waupacca therein, which place last named is hereby fixed as the point to which it is proposed to remove said county seat.

Electors may vote upon question of removal.

SEC. 2. All votes given upon the question aforesaid shall be by ballot, upon which shall be written or printed either the words "For removal of county seat," or "Against removal of county seat;" said ballots shall be deposited by the inspectors of elections in a separate box to be by them for that purpose prepared.

Ballots.

Votes, how to  
be canvassed,  
&c.

SEC. 3. The votes cast, as above provided, shall be canvassed, certified, and the result ascertained and declared by the same officers, at the time and in the manner provided by law for canvassing, certifying and ascertaining the result of elections for county officers, and such result, when so ascertained, shall, by the last canvassing officers be reduced to writing, and by them certified to be in all respects true and correct; and when the same is so reduced to writing and certified, the clerk of the board of county supervisors shall record the same in some county record book in his office, and shall thereafter, without delay, by mail, transmit the original to the secretary of state at Madison, who shall, upon the receipt thereof, file and preserve the same.

SEC. 4. This act shall be printed by the state printer immediately after the passage thereof, and when so published shall take effect and be in full force.

Approved, March 30, 1854.

## Chap. 236

An Act to incorporate the Southern Wisconsin Mining Company.

*The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :*

Corporators,  
and their pow-  
ers.

SECTION 1. Charles Brockway, Adam Sharp, and Silas Sharp, and their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the Southern Wisconsin Mining Company, and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto in all courts of law and equity, may have a common seal and the same alter at pleasure, and may enjoy all the privileges incident to a corporation, for the purpose of mining, smelting or manufacturing lead or other metals and the ores thereof, in the county of Lafayette.

Ibid.

SEC. 2. Said corporation shall have power to purchase, hold and convey real estate : *Provided*, that the cost of the real estate held by said company at any one time shall not exceed two hundred thousand dollars.

First meeting.

SEC. 3. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such time and place as they may designate, and at such meeting and at all other meetings duly notified, such corporation may make and alter such by-laws, rules and regulations for the management of the business.

f said corporation as a majority may direct, not repug- Stock.  
nant to the laws of this state, nor of the United States.

SEC. 4. Said corporation may divide their stock into as  
many shares, and provide for the sale and transfer thereof  
in such manner as said corporation shall from time to time  
deem expedient.

SEC. 5. This act is hereby declared a public act, and the  
same shall be construed favorably in all courts and places  
whenever; and the same shall take effect and be in force  
from and after its passage.

Approved, March 30, 1854.

An Act to incorporate the Pius Society of the City of Milwaukee.

Chap. 237

*The people of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. Simeon Wendel, Francis Eisenmann, John Corporators.  
Noll, John Meiler, Joseph H. Zander, Mathias Brah,  
George Risch, John Harry Lippert, who have united  
themselves into an association for the purpose of affording  
relief to their members in sickness or distress, of contri- Objects,  
bute to the expenses for burying their dead, and of fur-  
nishing aid to their widows and orphans, and for other  
benevolent purposes, and their associates, are hereby de-  
clared and constituted a body corporate and politic, lo-  
cated in the city of Milwaukee, by the name of "the Pius  
Society of the City of Milwaukee."

SEC. 2. The said corporation shall have power to con- Powers.  
tract and be contracted with, to sue and to be sued, to im-  
plead and to be impleaded with, answer and be answered  
unto, in all courts of this State, and shall be vested with  
all the powers and privileges necessary to carry out and  
fulfil the objects of their corporation.

SEC. 3. The said corporation shall have further power to Ibid.  
establish for its government a constitution and by-laws,  
not inconsistent with the constitution or laws of this State;  
to have and to use a common seal, and to alter the same  
at pleasure; and to obtain, hold or convey, real and person-  
al property, not exceeding in value ten thousand dollars.

SEC. 4. The members of said society shall have power Ibid.  
to assemble and meet at such times and places as may be  
agreed upon, and they shall elect any number of discreet  
persons of their society, not less than three nor more than  
nine in number, as trustees, to take charge of the real and

personal property belonging thereto, and to transact all business relative to the investment and disposal thereof.

Officers.

SEC. 5. It shall be lawful for said society to elect and appoint such other officers, as the condition and the circumstances of the corporation may require, and to prescribe their powers and duties, and require bond for the faithful performance thereof, in such penal sum, and with such sureties as they may choose, and also to prescribe their term of office: *Provided, however,* that the said trustees shall hold their offices for one year, and until others are elected.

Property to be devoted only to objects intended.

SEC. 6. The property, real and personal, of said corporation, shall be devoted solely to the purposes and objects of said society; and all real and personal estate which has been, or may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to said society, or to any person or persons in trust for the said society, shall descend, with improvements, in perpetual succession, to and shall be held by said trustees in trust for said corporation.

SEC. 7. This act may be altered or amended by any future legislature.

Approved, March 30, 1854.

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**Chap. 238** An Act to amend chapter 293, of the Session Laws of 1851, entitled "an Act for the relief of the several Counties of the State."

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The secretary of state is hereby authorized and required, on his being furnished with satisfactory proof by the board of supervisors of the several counties of this state, under the seal thereof, to certify to the amount of all territorial and state revenue which has accrued from double assessment and taxation, and illegal assessment and taxation of property, in cases where the property is not liable to taxation in said counties.

SEC. 2. The secretary of state shall credit the amount to the proper county mentioned in said certificate.

SEC. 3. Chapter 298 of the session laws of 1851, is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Approved, March 30, 1854.



An Act to authorize certain towns to subscribe stock in the Menasha, Clifton and Stockbridge Plank Road Company. **Chap. 239**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That the supervisors of any town, or the trustees of any village, through which the Menasha, Clifton and Stockbridge plank road may be located, or has been already located, by and with the consent of a majority of the legal voters of any such town or village, to be expressed as herein provided, be and they are hereby authorized and required to subscribe in the name and for the benefit of such town or village, to the capital stock of the Menasha, Clifton and Stockbridge plank road company, an amount not exceeding six thousand dollars: *Provided*, Nothing herein contained shall apply to the town of Neenah, but the village of Menasha may each separately loan their credit in the manner aforesaid. Towns or villages may take stock.

SEC. 2. The supervisors of said towns or the trustees of said village, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money for which they shall issue the bonds or obligations of such towns, signed by the supervisors of the same, in amount not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest, payable annually, at such place and at such rate, not exceeding ten per centum per annum, as may be agreed upon, and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said supervisors, or such bonds or obligations or any part thereof, may be issued directly to said company in payment of said stock, as said supervisors and the officers of said company may agree. May issue bonds.

SEC. 3. The supervisors of such towns, or the trustees of such village, shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein; and they shall also cause to be kept in the office of the town treasurer of their several towns, such books and entries as will fully exhibit all liabilities, receipts, disbursements, and the precise state of indebtedness of such towns, arising in any manner under this act. Account to be kept.

SEC. 4. The faith of any town or village subscribing for stock under this act, and the nett profits or dividend upon the stock so subscribed by said town or village, shall stand Towns liable for payment.

pledged for the payment of the indebtedness and interest which may become due from said town or village under this act, and it is moreover made the duty of the supervisors of such towns or the trustees of such village, so subscribing under this act, to add and levy such per centum of tax upon the assessment roll of all the taxable property in such town or village annually, in addition to the ordinary taxes of such town or village, to be collected as other town or village taxes, as shall be sufficient when added to the dividends or nett profits aforesaid, to pay the accruing interest, expenses, discounts or any loans arising out of the sale of said bonds or obligations, or in any manner arising under this act, and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so raised, when collected, like other taxes, shall be applied to the purposes aforesaid and none other.

Power of supervisors and trustees.

SEC. 5. The supervisors of any such town or the trustees of any such village so subscribing by themselves, or such agent or agents as they may appoint, shall have power to vote at all meetings of the stockholders of said plank road company, in proportion to the stock owned by such town or such village, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do; and the said supervisors are hereby authorized, whenever they deem the same expedient, to sell and transfer any and all stock owned by town or such village in said company, in order to pay off the indebtedness which may accrue under this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town or village created under this act.

Question of taking stock to be submitted.

SEC. 6. That before any stock shall be subscribed by the supervisors of any of the towns aforesaid, to the said plank road company, under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such town or village, in the manner following, to wit: on the written application to the supervisors of any such town, or trustees of any such village, of twenty or more qualified electors of said town, which application shall specify the amount of stock they desire said supervisors or trustees to subscribe to the capital stock of said company, for the benefit of such town or village, it shall then be the duty of the supervisors of such town, or trustees of such village, to give notice by posting up in five or more of the most public places, in such town or village, at least ten days before the time specified in said

notice for holding said election, a written or printed notice, setting forth, that on a certain day, and at a certain place therein mentioned, an election will be held in such town for the purpose of deciding whether the supervisors of the town or trustees of the village, shall subscribe in the name and for the benefit of said town or village, to the capital stock of the Menasha, Clifton and Stockbridge company, the amount specified in the application aforesaid, which amount shall also be specified in the notice; an election shall be had and vote taken by ballot, and said election shall be conducted in all respects as provided for holding and conducting town meetings; and each voter shall deposit his ballot with the words written or printed on the same, "for subscription," or "against subscription," and if it appear that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided for in this act, but not otherwise.

Ballot.

SEC. 7. The said supervisors or trustees, or any one of them, shall make or cause to be made an affidavit or affidavits of the posting up of the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them or him deposited in the office of the town clerk of their respective towns or villages, and recorded in his office, and the said affidavit or affidavits and applications, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and retained in all courts of this state, as conclusive evidence to prove the facts set forth and contained in the same.

Records and papers to be filed in town clerk's office.

SEC. 8. Any two of the supervisors of the towns aforesaid, or any two of the trustees of the villages aforesaid, may do or perform any act or thing which said supervisors or trustees are by this act authorized or required to perform.

SEC. 9. This act shall take effect from and after its passage.

Approved, March 30, 1854.

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An Act to incorporate the "Ahawath Emunah" Religious and Benevolent Society of the City of Milwaukee. Chap. 240

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Salomon Stern, Meyer Goldberger, L. Newbouer, Bernhardt Cohen, L. Franck, Moritz Goldberger, Corporators, and objects of association.

Abraham Bugaslawsky, Phoenix Norden, Henry Abraham, Mark Norden, Salomon Fekind, Harris Fekind, Isaac Frank, who have united themselves into an association for the purpose of affording relief to their members in sickness or distress, of contributing to the expenses, for burying their dead, and of furnishing aid to their widows and orphans, and of forming a cemetery association, and for other benevolent purposes, and such other persons as may become associated with them under this charter, are hereby declared and constituted a body politic and corporate, located in the city of Milwaukee, by the name of "Ahawath Emunah" religious and benevolent society.

Powers.

SEC. 2. The said corporation shall have power to contract, and be contracted with; sue, and be sued; implead, and be impleaded with; answer, and be answered unto, in all courts of this state, and shall be vested with all the powers and privileges necessary to carry out and fulfil the objects of their corporation.

Ibid.

SEC. 3. The said corporation shall have further power to establish for its government a constitution and by-laws, not inconsistent with the constitution or laws of this state; to have and to use a common seal, and to alter the same at pleasure, and to obtain, hold or convey real and personal property, not exceeding in value ten thousand dollars.

Ibid.

SEC. 4. The members of said society shall have power to assemble and meet at such times and places as may be agreed upon, and they shall elect any number of discreet persons of their society, not less than three nor more than nine in number, as trustees, to take charge of the real and personal property belonging thereto, and to transact all business, relative to the investment and disposal thereof.

Ibid.

SEC. 5. It shall be lawful for said society to elect and appoint such other officers as the condition and the circumstances of the corporation may require, and to prescribe their powers and duties and term of office, and require bond for the faithful performance thereof, in such penal sum and with such sureties as they may choose: *Provided, however,* That the said trustees shall hold their office for one year, and until others are elected.

Property to be devoted to objects of said society.

SEC. 6. The property, real and personal, of said corporation, shall be devoted solely to the purposes and objects of said society, and all real and personal estate which has been or may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise to said society, or to any person or persons in trust for said society, shall descend,

h improvements, in perpetual succession to and shall be  
d by said trustees in trust for said corporation.

SEC. 7. This act may be altered or amended by any fu-  
e legislature.

Approved, March 30, 1854.

Act to incorporate the Platteville, Galena and Fennimore Grove Plank Road Company. Chap. 241

*The people of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows :*

SECTION 1. Noah H. Virgin, George R. Laughton, John Body corpo-  
Rountree, Noah Hutchins, John Edwards and Jeffer- rate.  
n Crawford, are hereby created a body corporate by the  
ame, style and description of "The Platteville, Galena  
and Fennimore Grove Plank Road Company," with per-  
petual succession, and by that name shall be, and are  
reby made capable in law, to purchase, hold, enjoy, re- Their powers.  
in to them and their successors, lands, tenements, heredi-  
ments, so far as may be necessary for the purpose of  
nstructing a plank road, as hereinafter set forth, and the  
me to lease, sell, grant or in any manner dispose of, to  
ntract and be contracted with, to sue and be sued, plead  
nd be impleaded, answer and be answered, defend and be  
efended, and also to make, have and use, a common seal,  
e same to alter or renew at pleasure, and generally may  
o and perform all and singular the acts and matters which  
o any corporation shall lawfully appertain to do and per-  
orm for the well being of said corporation.

SEC. 2. The capital stock of said corporation shall be Capital stock.  
wo hundred and fifty thousand dollars, and shall be  
ivided into shares of fifty dollars each; and the above  
amed persons, or a majority of them, are hereby author-  
ed to cause books to be opened for securing subscriptions  
o the capital stock of said corporation; and shall pre-  
cribe the form of such subscription, which books shall be  
pened within twelve months from the passage of this act,  
t such place or places as they may deem expedient, and  
o soon as three hundred shares shall be subscribed for,  
e said corporation shall be authorized to proceed to a  
all and complete organization.

SEC. 3. The said corporators, or a majority of them, Meeting of  
fter the said three hundred shares of stock shall have been stockholders.  
bscribed as aforesaid, shall give notice of the time and

place of meeting of the stockholders, for the purpose of electing seven directors, who shall hold their offices until their successors are elected, and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, the said stockholders shall meet to elect directors: *Provided*, that until the first election of directors, the said corporators, above named, upon the subscription of three hundred shares of stock, and the organizing of said corporators, by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and completed, as if a regular election of directors had taken place; and in case of vacancy at any time happening in the board of directors, or in the said board of corporators acting in the capacity of directors, the board shall have power to fill such vacancy.

**Affairs, how managed.**

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders in person or by proxies, duly authorized, and in all elections and in all discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of votes cast shall govern, except in elections, where the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

**Officers.**

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke all the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

SEC. 6. The said board of directors shall have power to <sup>Powers of directors.</sup> decide the time and manner in which said stockholders all pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon for failure to pay such instalments as may be called for, and so to accept, in behalf of the company, a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same valid releases discharging them from all liabilities thereafter for, or on account of the acts of said company or its officers.

SEC. 7. The said directors shall have power to regulate <sup>Ibid.</sup> and receive tolls, and to make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the interests and convenience of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of the said company.

SEC. 8. The said company shall have power to locate <sup>Ibid.</sup> and construct a single or double track road from a point on the state line, at or near the point where the Galena plank road intersects the same in the town of Hazlegreen, in the county of Grant, through the village of Platteville; hence in a north-west direction to Fennimore Grove; hence, at the option of said company, to some point on the Wisconsin river, in the county of Grant, as shall be determined by the directors. The track of the said road shall be constructed of plank, stone, gravel, or either, in whole or in part each, at the option of the directors, so that the same, when completed, shall constitute a firm and regular surface.

SEC. 9. It shall and may be lawful for said company, <sup>Right of way.</sup> their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said road, subject, however, to the payment of such compensation, as the company may have agreed to pay therefor, or as will be ascertained in

Proviso.

the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

Compensation  
for material.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road for the purposes thereof, or for the compensation to be paid therefor; or when, by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein, and in any such case it shall be lawful for any justice of the peace, to issue a warrant directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at, or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named, and if the person so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance, as jurors, to furnish a panel of seven jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person, or by attorney, the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the



peace shall, within five days thereafter, transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of land in question, and the value thereof, as aforesaid, and such valuation, when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land, thus valued and taken, shall be used for the track of said plank road: *Provided*, Provisos. that it shall not be lawful for any justice or jury of inquest, to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall, in like manner, be shown that such owner or owners are under age, or *non compos mentis*, or absent from the county in which such land is situated. Such service of notice may be made upon the guardian or trustee, the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party, considering himself aggrieved by any decision herein stated, may, in every such case, appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

SEC. 11. The directors shall have power, in their discretion, to construct said plank road, along or upon any road or highway, now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, they procure, by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company, to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of said town; and such compensation and damages, when paid to the supervisors, shall

Route of road,  
and compensation  
for damages.

**Toll.**

be expended by them in improving the highways of such town; and they may erect toll-gates, and exact toll from persons travelling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile, for every vehicle, sled, sleigh, or carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh, or carriage, drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for one score of sheep or swine, one cent per mile, and for every score of neat cattle, four cents per mile: *Provided*, persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll thereon until it is paid.

**Property may be taken for stock.**

SEC. 12. The said directors may receive from any stockholder in such company, in lieu of money for the stock subscribed by him, real or personal security, subject to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company interest, at the rate of twelve per cent. per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them in the same manner as if the same were made payable to individuals, or to their order or assigns.

**Penalty for injury to road.**

SEC. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof, or any work, building or fixtures, attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any

court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either at the discretion of the court.

SEC. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to evade the payment of the legal toll, shall with his team, carriage or animal, turn out of such road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same. May increase capital stock.

SEC. 16. If said corporation should not within three years from the passage of this act, commence the construction of said plank road, and expend two thousand dollars or more thereon, then the rights, privileges and powers of the said corporation, under this act, shall be null and void. When charter forfeited.

SEC. 17. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be recorded as evidence thereof, and shall take effect from and after its passage.

Approved, March 30, 1854.

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An Act to repeal Section 14, of Chapter 30, of the Private and Local Laws of 1853. Chap. 242

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That section (14) fourteen of an act entitled "an act to incorporate the Wisconsin River Improvement Company," approved February 19, 1853, is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 30, 1854.

## Chap. 243

### An Act to establish Rock Lake Seminary.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Corporators,  
and their  
powers.

SECTION 1. E. L. Atwood, E. M. Joslin, William K. Smith, William D. Bragg, E. B. Fargo, Wm. R. Griswold, S. S. Keys and Hiram McKee, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of the Rock Lake Seminary, by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity. Said corporation shall have a common seal, and shall have power to acquire, purchase, receive and possess, hold and enjoy property, real and personal, and to sell and convey the same, rent, or otherwise lawfully dispose of at pleasure.

Stock.

SEC. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as shall be directed, by the by-laws of said corporation.

Meetings.

SEC. 3. Any three of the above named persons shall have power to call a meeting of said association by giving three days notice thereof, by posting up notices in at least three public places in the village of Lake Mills, where said corporation is hereby located.

Officers.

SEC. 4. At the first legally notified meeting, the stockholders shall have power to elect, by ballot, nine trustees, three of whom shall be elected for one year, and three for two years, and three for three years; and after the first election, the three trustees may be elected by the stockholders annually: *Provided always*, that all trustees shall hold their office until others are elected in their place.

Each stockholder entitled to one vote.

SEC. 5. At all elections and meetings of the company each stockholder shall be entitled to one vote for each share of stock owned by him.

Powers of trustees.

SEC. 6. The trustees shall have power: first, to elect from their number a president, secretary and treasurer, and

so to elect all other subordinate officers of the corporation; second, to call special meetings of the stockholders; fill vacancies in the board of trustees; third, to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders; also to erect and keep in repair all necessary buildings, for the use of said corporation; fourth, to employ suitable teachers and prescribe and direct the course of study and discipline to be observed in said academy; fifth, to prescribe the duties and fix the salaries of all the officers of said corporation, and to remove and suspend them from office, for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their place; sixth, to make all such regulations and by laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

SEC. 7. No religious test or qualification shall be required of any trustee of said corporation, nor of any student or teacher of said institution.

SEC. 8. This act may be amended or altered by any future legislature.

Approved, March 30, 1854.

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An Act to incorporate the Mississippi and Kickapoo Plank Road Company. Chap. 244

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Andrew Briggs, Abraham Stiles, William F. Terhune, Henry W. McAuley, William C. McMichael, John Harrison, John C. Berry, Thomas J. DeFees, Ransom P. Gillett, George Smith, Demetrius Cheatham, Ira Stevens, Samuel McMichael, and Nicholas Vought, of the county of Bad Ax, and their associates and assigns, be and the same are hereby created and declared to be a body corporate and politic, under the name and style of the Mississippi and Kickapoo Plank Road Company, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, personal and mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all the matters and things, which are authorized by law, for the interest and well being of said company.

Names of corporations, and their powers.

Commission-  
ers.

SEC. 2. Andrew Briggs, William F. Terhune, Henry W. McAuley, William C. McMichael, John C. Berry, Thos. J. Defrees, John C. Berry, Samuel McMichael, and Ransom P. Gillett, are hereby named and appointed commissioners on the part of said company, under the direction of whom, or a majority of whom, subscriptions may be received to the capital stock of said company, first giving twenty days notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers, printed in the counties of Crawford and Bad Ax.

Capital stock.

SEC. 3. The capital stock of said road shall be eighty thousand dollars, in shares of twenty five dollars each, and as soon as one thousand shares of said capital stock shall be subscribed, the said commissioners, or a majority of them, shall give at least twenty days notice in one or both of the newspapers herein before mentioned, of the time and place of a meeting of the stockholders, for the purpose of electing directors, and annually thereafter on the first Monday of January, for the purpose of electing directors aforesaid, upon a like previous notice, to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, that previous to their first election, the commissioners herein before named shall elect one of their number president, and they shall perform all the duties, and be invested with all the powers of directors: *Provided further*, that if from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of any irregularities, or want of such election; and in case of any vacancy in the board of directors, the same shall be filled by the other directors, or a majority of them.

Provisos.

Affairs of com-  
pany, how  
managed.

SEC. 4. The affairs of said company shall be managed by a board of nine directors, who shall be stockholders and be chosen annually, by ballot, by the stockholders of said company, the votes to be given in person, or by proxy, duly authorized, which directors shall elect one of their number president, and they shall serve until others are elected in their stead. Said directors shall make and establish such by-laws, rules, orders, and regulations, as may be necessary for the well ordering and managing the affairs of said company. Each share of said stock shall be enti-

ted to one vote; and in all cases of elections for directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

SEC. 5. Five directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tem. The directors shall appoint a secretary, treasurer, and engineer, and such other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares; may declare forfeited to the use of the company the share or shares of any person failing to pay any instalment at a reasonable period, not less than thirty days after the time appointed for the payment thereof: *Provided*, no instalment shall be demanded of the shareholder exceeding three dollars at any time on such share, nor while a sum exceeding three thousand dollars remains in the hands of the treasurer unappropriated to such portion of the work as may at the time be completed. They shall have power to regulate tolls; to make such covenants, contracts, and agreements with any person or persons, or body corporate or politic whatever, as the execution and management of the works, and the convenience and interest of the company may require, and in general may superintend all the operations, receipts, disbursements, and other proceedings of the company. Officers, and  
their powers.

SEC. 6. The said company shall have power to locate and construct a single or double track plank road, from the village of Victory, on the Mississippi river, in the county of Bad Ax, to a place on the Kickapoo river, at or near Harrison's mill, in said county; and the said company shall have power to locate and construct a branch plank road, to connect the said road with the village of Springville, in said county; and the said company shall also have power to locate and construct a branch plank road to connect the said Mississippi and Kickapoo plank road with the west branch of the Kickapoo, at or near Gillett's Mills, in said county. And the said company shall have power to erect all such toll houses, and other works and appendages, as may be necessary for the convenience of said company in the use of the said road. The track of the said road shall be constructed of plank, stone or gravel, in whole or in part, at the option of the directors, so that the same shall constitute a firm and smooth surface for the

passage of wagons and carriages. The directors shall exercise all powers conferred on them by law; shall audit and pay all accounts against said company; fix the compensation and salary of the officers they may appoint; and meet at such times and places as they may prescribe in the by-laws to be enacted by them; they may appoint and remove all officers at pleasure; prescribe the times and places of the meetings of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of said stock to the stockholders of said company, on the first Monday of January and July in each year.

May loan money.

SEC. 7. The said company are hereby authorized to obtain, by loan, any sum or sums of money for the purpose of locating and constructing said road and branches, and for such other expenditures as may be deemed necessary, and to secure the payment of the same in such manner as shall be necessary.

Certificates to be issued to stockholders.

SEC. 8. The directors of said company shall issue a certificate to each stockholder for the number of shares he or they may subscribe for or hold in said company, signed by the president, and countersigned by the secretary, and sealed with the common seal of said company, subject, however, to all payments due and to become due thereon, which stock shall be transferable and assignable in such manner as may be provided for in the by-laws of said company.

When charter forfeited.

SEC. 9. If said company shall not, within three years from the passage of this act, commence the construction of said road, and shall not, within ten years from the passage of this act, construct a single or double track for a distance of ten miles, then and in that case it shall be considered a violation of this charter, and all rights, privileges, and powers of said company acquired under this act shall be forfeited.

Right of way.

SEC. 10. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands or highways for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any building or any fixtures for the purposes of trade or manufacture, or any yard or enclosure necessary to the use and enjoyment thereof, without the consent of the owners; and when the said route shall be



determined by said company, it shall be lawful for them, their officers, agents, engineers, contractors, and servants, any time to enter upon, take possession of, and use such lands and highways to the width of four rods; and also to take from any land adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, as shall be ascertained in the manner hereinafter directed and provided in the case of land.

SEC. 11. Whenever it shall be necessary for said com- Damages.  
pany to enter upon, and occupy, for the purpose of constructing said road, any land or highway upon which the same may be located, or to take from such land, or the land adjoining said road, any gravel, stone, or earth, for the purposes of said road, and the owner or owners, or the supervisors of the town in which said road is located on any highway, shall refuse to permit such entry, occupation or taking, and the justices cannot agree upon the compensation to be made for the injury to be done to such land or highway for such entry, or occupation, or taking, it shall and may be lawful for the parties to appoint three disinterested persons to estimate the same. The expenses of such appraisal shall be paid by the company; but if the parties cannot agree upon such persons, or if the persons thus chosen cannot decide upon the matter, or if the owner of the land, or the proper supervisors, refuse or neglect to join in such appointment, within twenty days after notice for that purpose upon him or them made, or if such owner shall be under a legal disability or out of the state, then and in either of such cases it shall be lawful for the county judge, or a court commissioner of the county in which such lands lie, upon application of either party, and at the cost and charges of the company, to appoint, and he shall appoint, three disinterested persons of the same county to view the land or highway, and estimate the damage or injury which will be sustained by reason of the entry or occupation, or taking as aforesaid: *Provided*, that the party applying to the judge or commissioner for the appointment of appraisers shall give to the other party, if a resident of this state, at least ten days notice of the intention of such party to make such application. And in case the owner of the land shall be a minor, insane person, or married woman, then it shall be sufficient to serve the said notice on the guardian of said minor, or insane person, or on the said married woman and her husband.

The said appraisers shall, as early as practicable, report, under oath, to the officer by whom they were appointed, the amount of damages sustained by any party by reason of such entry, occupation, or taking as aforesaid, which report, together with the other papers and proceedings, shall be filed by the officer appointing the appraisers in the office of the clerk of the county court of said county. The said appraisers shall be paid each two dollars per day for their services, by the company, in all cases, when the damages reported by said appraisers exceed the amount offered by said company previous to the appraisal, or they shall be paid by the other party when the sum awarded by the appraisers does not exceed the sum offered by the company. The said appraisers shall in all cases take into account, in awarding damages, the benefits arising to the person claiming damages, in consequence of the building of said road. Upon the payment to the owner or owners of said lands, or to the supervisors of the proper town, of the sum specified in said report, or on depositing said sum with the clerk of the circuit court of the county where said lands are situate, for the benefit of said owner or owners, the said company may immediately enter upon, occupy, or take from said lands as hereinbefore specified, and either party may appeal to the circuit court of the county in which said lands are situate, within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court.

Tolls.

SEC. 12. In the completion of said road from the said village of Victory, three miles easterly, the company may erect one toll-gate upon their road, and thereafter on the completion of every three consecutive miles of said road, may erect toll-gates, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile, for any sleigh, carriage or vehicle drawn by two animals; and if drawn by more than two animals, one cent per mile; for every additional animal, for every sleigh, carriage or vehicle drawn by one animal, one cent per mile; for every horse and rider, or led animal, one cent per mile; and for every score of sheep or swine, one cent per mile; and for every score of neat cattle four cents per mile.

Penalty for refusing to pay toll

SEC. 13. Each toll-gatherer may detain and prevent from passing any gate on said road, all persons riding, leading, or driving animals or carriages, subject to toll, until they shall have paid respectively as authorized by this act; and

ty person who shall forcibly or fraudulently pass any toll  
 ue erected on said road, pursuant to this act, without  
 iving paid the legal toll, and any person who, to avoid  
 a payment of legal toll, shall, with his carriage or horse,  
 oother vehicle, or animal or animals, liable to toll, turn  
 it of such road, or pass any gate thereon, on land adja-  
 int thereto, and enter again upon said road, shall, for each  
 fence, be liable to a fine not to exceed ten dollars, to be  
 covered in the name of, and for the benefit of said com-  
 ny, in any court having jurisdiction thereof.

SEC. 14. If any person shall wilfully and maliciously ob- Penalty for in-  
 struct, break, injure, or destroy said road, or any part jurving road,  
 areof, or any work, building, or fixture attached to, or in  
 e upon the same, belonging to said company, such per-  
 n so offending shall, for every such offence, be liable for  
 e recovery of damages by the company, and shall also  
 e subject to indictment; and, upon conviction, shall be  
 nished by fine and imprisonment, or either, at the dis-  
 etion of the court.

SEC. 15. This act shall be favorably construed to effect  
 e purposes hereby intended, and the same is hereby de-  
 ared to be a public act.

SEC. 16. This act shall take effect and be in force from  
 id after its publication.

Approved, March 30, 1854.

An Act to incorporate the Sparta Union Seminary.

Chap. 245

*The people of the State of Wisconsin, represented in  
 enate and Assembly, do enact as follows:*

SECTION 1. R. J. Casselman, Edward Walrath, George Corporators.  
 V. Milligan, Ashbel F. Bard, Oscar G. McClure, John  
 I. Backee, William F. Pettit, Fisk W. Fisk, Andrew  
 dlen, David H. Budlong, and George A. Eddy, and their  
 sociates, are hereby created a body corporate, with per-  
 etual succession, to be styled by the name and title of the  
 Sparta Union Seminary," to be located in the village of  
 parta, in the county of La Crosse, for the purpose of  
 ducating youth of either or both sexes.

SEC. 2. The said corporation shall have power to con- Their powers.  
 tract, and be contracted with, sue and be sued, plead and  
 e impleaded, defend and be defended, in all courts of law  
 nd equity. They shall have a common seal and may alter  
 nd amend the same at pleasure; shall have power to ac-  
 uire, purchase, receive, possess, hold and enjoy property,

personal and real; and to sell, convey, rent, or otherwise lawfully dispose of the same at pleasure, for the purpose contemplated in this act.

**Stock.**

SEC. 3. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by-laws of said company.

**Meetings.**

SEC. 4. Any six of the above named persons shall have power to call a meeting of said association, by giving ten days notice thereof, of the time and place where such meeting is to be held, by posting up notices in at least three public places in the said village of Sparta, where said corporation is hereby located.

**Officers.**

SEC. 5. At the first legally notified meeting, the stockholders shall have power to elect by ballot nine trustees, three of whom shall be elected for one year, three for two years, and three for three years; and after the first election, the three trustees may be elected by the stockholders annually: *Provided, always*, that all trustees shall hold their offices until others are elected in their places.

**Who entitled to vote.**

SEC. 6. At all elections and meetings of the company, each stockholder shall be entitled to one vote for each share of stock owned by him, and may vote either in person or by proxy.

**Powers of trustees.**

SEC. 7. The trustees shall have power: First, to elect from their number a president, secretary and treasurer; and also to elect all the subordinate officers of the corporation. Second, To call special meetings of the stockholders to fill vacancies in the board of trustees. Third, to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as they shall deem most convenient to the interest of said Academy; also to vacate and keep in repair all necessary buildings for the use of said corporation. Fourth, to employ suitable teachers and prescribe and direct the course of studies and discipline to be observed in said Academy. Fifth, to prescribe and fix the salaries of all the officers, for incapacity, immoral conduct, misbehavior in office, and to procure and appoint others in their places. Sixth, to make all such regulations and by-laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

SEC. 8. This act may be amended or altered by any future legislature.

Approved, March 30, 1854.

An Act to amend an Act entitled "an Act to incorporate the City of Portage," approved March 10, 1854. **Chap. 246**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section six of an act entitled "an act to incorporate the city of Portage," approved March 10, 1854, is hereby amended so as to read as follows, to wit: The first election of city officers under this act shall be held at such place in each ward as the supervisors of the town of Portage city may appoint. The electors present at each of such places of holding election, shall chose three electors of their respective wards, inspectors of the election, who shall perform all the duties and be governed by like rules and regulations as are prescribed for inspectors of town elections. The alderman, justice of the peace, and constable for each ward, shall be elected by the electors of such wards exclusively, and the mayor, marshal, superintendent of schools, clerk, treasurer, and assessor, shall be elected by general ticket, by the electors of the whole city; after the polls are closed, the inspectors in each ward shall proceed forthwith to canvass the ballots; they shall be governed in all respects the same as town inspectors. After the ballots are counted they shall certify under their hands and seals the names of persons (and the officers for which votes are cast) written at full length, who are elected to ward officers, and appoint one of their number who shall deposite such certificate within five days after such election in the office of the city clerk, who shall file the same in his office; said inspectors shall also, on a separate certificate, which shall be carefully sealed up, certify the number of votes cast for all city officers voted for at such election, and for whom, written as above, and shall appoint one of their number to receive such certificate, and the persons so appointed at the several wards shall, on the first Wednesday following the said first election, meet at the place of holding of the election in the second ward of said city, and after being duly sworn proceed to open such certificates, and canvass the votes, and determine who are duly elected officers of said city on general ticket, and shall certify to the same under their hands and seals, which certificate shall be filed in the office of the city clerk. At such annual election of city officers after the said first election, held by virtue of this act, the inspectors of election in each ward shall proceed to canvass the ballots, and certify and return the names of persons elected to ward offices,

Amendatory  
section.

in all respects the same as above provided for at said first election, and shall also, on a separate certificate, which shall be carefully sealed up, certify the number of votes cast for all city officers voted for at such election, and for whom written as above, and shall appoint one of their number to present such certificate to the city clerk immediately, and the persons so appointed in connection with the mayor and said city clerk, shall on the first Wednesday following the election, meet at the office of said city clerk, and after being duly sworn proceed to open said certificates, canvass the votes, determine who are elected officers of said city on general ticket, and certify and return the same to the city clerk, in all respects the same as above provided for at said election. The city clerk shall, in all cases, proceed to notify such persons of their election, the same as town clerks are required to notify officers elected.

Ibid.

SEC. 2. Section thirty of the said act aforesaid is hereby amended so as to read as follows, to wit: Upon the application in writing of the owner or owners of two-thirds of the property, the said common council shall have power and authority to lay out new streets, highways, alleys, and public walks, as in their opinion shall [*not*] be of public utility, to regulate, grade, pave and improve streets, avenues, lanes and alleys, and to extend, open, and widen the same, and notice of the passage by the city council of any order for laying out, vacating, changing, or altering such highways, streets, alleys, and walks, shall be given by publishing a notice of such order in some newspaper printed within said city, immediately after the passage of the order aforesaid; and if any person shall claim damages by reason of laying out, or vacating, changing or altering thereof, and shall file his notice of such claim, in writing, with the city clerk, within thirty days after the order for laying out, vacating or altering, shall have been made by the city council, the city council shall cause the damages, if any over and above the benefit accruing thereby, to such complainant, to be assessed by a jury, as herein provided.

Ibid.

SEC. 3. Section thirty one of the said act aforesaid is hereby so amended, that the excess of damages over and above the benefit accruing to any person by reason of the laying out, vacating, changing, or altering any highways, streets, alleys and walks, shall be paid by the person or persons making application therefor, and not out of the city treasury.

Ibid.

SEC. 4. Section three of the said act aforesaid is hereby

## CHAPTER

4, to wit: The said city shall

amended so as to read as follows: The boundaries of which for be divided into four wards as herein after provided, the present, and until: all that part lying south and shall be as follows, to wit: the Fox and Wisconsin rivers, east of the canal east ward; and all of that part lying shall constitute the first ward east of Adams street, and a road north of said canal same to the north line of said town leading from the canal constitute the second ward; and all that part twelve, shall constitute the third ward; and all that part lying north of said canal and between Adams street and the road leading from the canal and west of Dewitt street, and a road leading from the canal and west of Dewitt street and the road leading from the canal and west of Dewitt street, shall constitute the fourth ward; and the common council shall have power to change said lines of division as they may deem convenient and proper.

SEC. 5. Section forty-nine of the act aforesaid is hereby amended by adding to said section the following words, to wit: *Provided, however*, that the common council of said city may, in their discretion, submit the question of loaning the credit of said city to the several railroad companies mentioned aforesaid, in distinct proportions, to be voted upon separately and at different times. The question of loaning the credit of said city to the La Crosse and Milwaukee railroad company, to be voted upon at the place aforesaid, on the third Wednesday of May next; and the question of loaning the credit of said city to the Milwaukee and Watertown railroad company, and the other railroad company mentioned aforesaid, to be voted upon separately, at the place aforesaid, at such time as shall be appointed by said common council, notice of which shall be published in some newspaper published in said city at least three weeks before the time for voting upon said question: *And provided further*, that the said common council may, in their discretion, increase the sum to be voted upon, for the La Crosse and Milwaukee railroad company, from fifty thousand dollars to seventy five thousand dollars.

SEC. 6. This act shall take effect from and after its passage, and the same, together with the act to which this is amendatory, shall be published in the Badger State newspaper, in the city of Portage, which publication shall be taken as evidence in all courts and places.

Approved, March 30, 1854.

**Chap. 247** An Act authorizing Union School District No. One, in the Town of Beloit, County of Rock, to collect taxes therein named.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

May collect taxes.

SECTION 1. Union school district No. One, in the village of Beloit, county of Rock, is hereby authorized to collect in the manner hereinafter prescribed any taxes of money heretofore voted to be raised in said district which have not been collected, whether for the purpose of building a school house and fixtures or for incidental expenses, or for the support of a school in said district.

Clerk to make list of taxable property.

SEC. 2. The clerk of said district shall, before the first day of May next, make out and deliver to the town treasurer of said town a list of all the taxable property in said district, which shall be taken from the last assessment of the town of Beloit, in said county, and shall set opposite to the several sums set down as the valuation of the real and personal estate the respective sums assessed as taxes thereon in dollars and cents, rejecting the fractions of a cent.

Treasurer may collect taxes.

SEC. 3. The clerk of said district shall annex to said tax list under his hand a warrant, as provided in section seventy in chapter nineteen of the revised statutes, and the said town treasurer shall proceed to collect said taxes in the manner and within the time prescribed in said section.

Pay for collecting taxes.

SEC. 4. The said treasurer shall receive three per cent. for collecting such tax, which per cent. shall be added to the tax by the said clerk in the manner prescribed by law for town clerks, and all taxes not collected shall be returned in the manner now prescribed by law for the return of delinquent taxes.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 30, 1854.

**Chap. 248**

An Act to incorporate the Fort Atkinson Steam Mill Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. John McPherson, E. H. Bingham, J. F. Morrison, Edward Rice, James Crane and Milo Jones, together with such other persons as shall become stockholders to the capital stock hereafter mentioned, their successors and assigns are hereby constituted a body politic and corporate



y the name of the Fort Atkinson Steam Mill Company, and by that name shall be capable in law of suing, and being sued; pleading, and being impleaded; answering, and being answered unto; defending, and being defended in all courts and places whatsoever, in all manner of actions, suits, controversies, complaints, matters and causes whatsoever; may have a common seal and alter the same at pleasure, and by the same. None shall be capable of purchasing, holding and consigning personal and real estate for the use and benefit of said corporation.

SEC. 2. The capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of \$100 each, and shall be considered personal property, and may be transferred in such manner as the by-laws of the company shall direct. Stock.

SEC. 3. The said corporation shall have power to carry on such manufacturing business as a majority of the stockholders or their representatives may direct, to sell and dispose or purchase the same; may erect machinery to be moved by steam or other power, to be used for manufacturing purposes, on any lands which are now or may hereafter be owned by said company; and in their corporate capacity and name may make and execute to any person or persons, or body corporate or politic, any and all writings, notes or bonds, mortgages, releases or acquittances, on real or personal property belonging to said company, in the prosecution of their business, or as security for any loan of money borrowed by, or due from, said company, by any person or persons, or body corporate, all of which said company is authorized to do by law. Powers of corporation.

SEC. 4. The affairs of the company shall be managed by five (5) directors, who shall be elected annually, and shall respectively be stockholders in said corporation, and who shall be elected by the stockholders at such time and place as the by-laws of the company shall direct, each share of stock being entitled to one vote, and may be cast by the holder thereof, or by proxy duly authorized; all elections shall be by ballot, and the persons having the highest number of votes cast shall be directors; and when any vacancy shall occur, it shall be filled for the remainder of the year in such manner as the by-laws may direct; the said directors shall severally hold their office for one year, until their successors are elected; and all their deliberations shall require the concurrence of a majority of said directors. Affairs, how to be managed.

Election of  
president, &c.

SEC. 5. The said directors after their election shall elect one of their number president, whose duty it shall be to preside at all meetings of the stockholders and the board when present; and in case of absence or inability, the directors may elect a president pro tem. The directors shall have power to make such rules and by-laws for the corporation as they may deem proper and useful. All meetings for the transactions of the company's business, whether of the directors or stockholders, shall be held in the village of Fort Atkinson, and the manner of calling such meetings shall be prescribed in the by-laws of said company. The directors shall have power to appoint a treasurer and secretary, and such other officers as may be required to transact the business of the company, and may remove them at pleasure, also define their duties and fix their salaries; they shall decide the time, manner and proportion in which the stockholders shall pay their instalments, or their equivalent, on their respective shares, and to make such rules respecting the purchase and sale of property, personal or real, forfeiture of shares and stock, as they deem advisable. They shall have power to appoint a time certain in each year for the election of directors, but such election shall always be held at the office of said company upon due notice to the stockholders, of not less than twenty days before such election, by publishing the same in a newspaper published in the county of Jefferson: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any other time on like notice being given to the stockholders.

Books for subscription to be  
opened.

SEC. 6. Books for subscription to the capital stock of said company shall be opened at the Green Mountain House, in the village of Fort Atkinson, under the inspection of a majority of the persons named in the first section of the act, and may be kept open until five thousand dollars of said stock shall be subscribed for; and the said subscribers shall then proceed to elect a board of directors as herein provided for, and when so elected shall determine the amount of capital stock, which in no case shall exceed two hundred thousand dollars; and in case the capital stock shall be fixed at a sum less than the last named amount the same may be altered by a two-third vote of the directors, at any regular meeting, to an amount not exceeding the two hundred thousand dollars aforesaid.

SEC. 7. This act shall take effect immediately after its passage.

Approved, March 30, 1854.

An Act to incorporate the Swedes Iron Company.

Chap. 249

*The People of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows :*

SECTION 1. The following named persons, viz. : Byron bourn, Edward M. Hunter, S. L. Rose, James D. Reyt, and Chas. E. Jenkins, and all such persons as shall hereafter become associated with them, by subscribing to capital stock in the corporation hereby created, and their successors and assigns, shall be and hereby are constituted and made a body politic and corporate, by the name and style of the "Swedes Iron Company;" and by that name shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in courts and places whatsoever, in all manner of actions and causes; may have a common seal, which they may alter and renew at pleasure; and by that name shall be capable of purchasing, holding, and conveying any estate, real, personal or mixed, for the use and benefit of said corporation.

Body corporate,  
and their  
duties.

SEC. 2. The capital stock of said company shall be six hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares and stock shall be deemed personal property, and may be transferred in any manner as the by-laws of the company may prescribe.

Powers of corporation.

SEC. 3. Such corporation shall have power to prospect for iron ores; mine, raise and smelt the same, cast, puddle, roll and manufacture all kinds of iron and iron wares of every kind; and sell and dispose of the same at pleasure; may construct such dams, canals, water ways, reservoirs, flumes, and races, as may be required in the business operations of said company, on any lands which may hereafter be owned by said company, or on the lands owned by any other person or persons, first obtaining the consent of the owner thereof for such purpose; may erect buildings, structures and machinery of every kind necessary for the purposes of said company, to be moved by water, or other power; may make and execute in the corporate name and capacity of said company to any person or persons, body corporate or politic, and acknowledge the same when required, in due form of law, deeds of conveyance, or leases of lands, woods or mines, mortgages, bonds, notes, writings, and other papers of any kind or amount, and sureties for the loan of any money borrowed, or for any debts due by said company, to any such person or persons,

body corporate or politic, and for any rate of interest which may be agreed upon between the parties, any law of this state to the contrary notwithstanding.

**Affairs, how to be managed.**

SEC. 4. The property and affairs of said corporation shall be managed and conducted by a board of five directors, a majority of whom shall form a quorum for the transaction of business, who shall be elected annually after the present year by the stockholders, at such time and place, and under such regulations as shall be prescribed by the by-law or adopted by resolution of the board of directors; and it shall be the duty of the directors to notify the stockholders of said company, of the time and place of holding the annual meeting for such purpose, by publishing a notice thereof in some newspaper published in the counties of Dodge, Washington, or Milwaukee, for thirty days previous to such election, at least once a week; and at all elections, each stockholder shall be entitled to cast one vote for each share of stock held by him in said corporation, and may vote the same in person, or by proxy duly authorized: *Provided*, That no person shall be elected a director who shall not at the time be a stockholder in said company.

**Corporators.**

SEC. 5. The five corporators named in the first section of this act, viz: Byron Kilbourn, Edward M. Hunter, S. L. Rose, James D. Reymert, and Charles E. Jenkins, are hereby declared to be the first board of directors, whose term of office shall continue for one year from the passage of this act, and until their successors shall be elected as aforesaid; and if for any cause an election shall not be held at the regular time prescribed as aforesaid, the same may be held at any other time, on thirty days notice being given by publication as aforesaid; and this charter shall not be impaired by reason of any irregularity or want of any such election; and in case of a vacancy happening in the board of directors, such vacancy shall be filled by the remaining members of the board, by the appointment of a director to fill the same. Books of subscription to the capital stock of said company may be opened at such times and places, and subscriptions received from all such persons, and subject to such payment as may be prescribed by the board of directors.

**Election of president.**

SEC. 6. The first board of directors, at their organization, and their successors, after their election, shall elect one of their number president, whose duty it shall be to preside at the meetings of the board; and in case of his absence at any meeting, the directors present may elect

president pro tem. The president shall, in addition to the aforesaid duties, perform such other acts as may be prescribed by the by-laws, or required by the board of directors. The office or place of business of said company shall be at Iron Bridge, in the county of Dodge, or at such other place as shall be determined by the board of directors; and all meetings of the board for the transaction of business, shall be at said office, or at such other place as may be appointed by resolution of the board, or by a call of the president. The board of directors may call special meetings of the stockholders at any time, on giving thirty days notice by publication as aforesaid. They shall have power to appoint a secretary and treasurer, and all other such officers or agents, laborers and servants, as they may require for the transaction of the business of said company; prescribe their duties and compensation, and remove the same at pleasure; they shall have power to decide the time, manner, and proportions in which the stockholders shall pay for the shares of stock subscribed by them, and forfeit to the use of the company the share or shares of any person failing to pay any instalment, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; and may adopt all necessary by-laws for the regulation and management of the affairs of the company.

SEC. 7. This act shall be deemed a public act, and shall be favorably construed in all courts and places for the purposes therein expressed; and shall take effect and be in force from and after its passage.

Approved, March 30, 1854.

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An Act to authorize the building and maintaining a dam across the Baraboo River. Chap. 250

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. John J. Jarvis, his associates, successors, heirs and assigns, are hereby authorized to erect and maintain a dam across the Baraboo river, on the south east quarter of the south east quarter of section number twenty nine, in township number twelve north, of range number five east of the fourth principal meridian; and to make use of the water in said river for propelling any kind of machinery he or they may see fit to erect: *Provided*, that

am shall be so constructed with a slide as to admit free passage of rafts and all kinds of lumber.

**May award damages over law**  
 SEC. 2. The said John J. Jarvis, and his associates, their heirs and assigns, or any of them, may apply to any justice of the peace in the county where such described land lies, whose duty it shall be to appoint three commissioners, (first giving due notice to the opposite party or parties,) who shall make an examination of all lands overflowed, by reason of the keeping and maintaining said dam, and shall make out an award, in which they shall award to the owner or owners of such overflowed land as aforesaid, the amount of damages which they shall deem such owner or owners entitled to, by reason of the keeping and maintaining of said dam as aforesaid, said commissioners being first duly sworn according to law.

**persons aggrieved may appeal.**  
 SEC. 3. Any person conceiving himself aggrieved, may appeal within ten days from the time of making said award, to the circuit court in the county where said lands lie, in the same manner as is provided by law for appeals from the decisions of commissioners of the estates of deceased persons.

**decision of commissioners final**  
 SEC. 4. The decision and award of said commissioners shall be final, unless appealed from as provided in this act, and the said award shall be filed by the said commissioners in the office of the clerk of the circuit court, where said land is situated, and shall be and remain a loan upon the goods and chattels real of the said John J. Jarvis, and his associates, until the term of the said circuit court thereafter, when upon motion made by any party interested, (after due notice thereof to the opposite party) judgment may be entered up, and execution issued, in the same manner as judgments are entered and executions issued upon suits of a civil nature in said court.

SEC. 5. No suit or proceeding at law or in equity shall be entered against the said John J. Jarvis, or his associates, for any damages arising from the overflowing of any lands by reason of the keeping and maintaining said dam, after he, or any of his associates, shall have applied to have the commissioners appointed according to the provisions of this act.

SEC. 6. This act shall take effect from and after its passage.  
 Approved, March 30, 1854.

An Act to incorporate the Village of Sauk City.

Chap. 251

*be people of the State of Wisconsin, represented in the and Assembly, do enact as follows:*

SECTION 1. The inhabitants residing, and who may here-  
reside within the limits of the plat of the village of  
city, and the additions thereto attached, in the county  
auk, are hereby constituted a body corporate by the  
of "the President and Trustees of Sauk City," and  
at name shall be capable of contracting, and of being  
acted with, suing and being sued, pleading and being  
eaded, answering and being answered unto, in all  
s and places, in all matters whatsoever, with power  
reaching, receiving, holding, occupying and convey-  
both real and personal estate, and shall have a common  
and may change the same at pleasure; and shall have  
may exercise all the rights and privileges, and shall be  
let to all the duties and obligations pertaining to a  
cipal corporation.

Body corpor-  
ate, and their  
powers.

SECTION 2. The legal voters of said village of Sauk city, re-  
g within the limits of the corporation, may meet at  
istrict school house in said village on the first Satur-  
n April A. D. 1854, at ten o'clock A. M., and choose,  
voce, two judges, by election, and one clerk who  
hold the election, and at such meeting elect one pre-  
t, who shall be ex officio a trustee, and four trustees,  
clerk, and one treasurer, who shall hold their offices  
ear, or until their successors are elected and qualified.

Voters.

SECTION 3. On the last Monday in March in each year after  
election, there shall be an annual election for the offi-  
f said corporation; and the trustees shall give ten  
notice of the time and place of such election, and  
or any two of them, shall preside at the same.

Annual elec-  
tion.

SECTION 4. At all the elections under the provisions of this  
he polls shall be opened at ten o'clock in the forenoon  
losed at 4 o'clock in the afternoon.

SECTION 5. All vacancies arising, in any of said offices, dur-  
e year may be filled by the trustees; and every offi-  
ected under this act, before he enters upon the duties  
office, shall take an oath faithfully to discharge the  
of his office, and to support the constitution of the  
d States, and of this state; and if such officer shall  
ke such oath within ten days after his election, his  
shall thereby become vacant.

Vacancies  
filled.

SECTION 6. The clerk and treasurer of said corporation, be-  
hey enter upon the duties of their offices, shall seve-

Clerk and trea-  
surer to give  
bonds.

rally give bond to the trustees in such sum, with such conditions and with such sureties as said trustees, or a majority of them, shall direct, which bonds shall be filed with the clerk.

**Clerk to keep records.**

SEC. 7. It shall be the duty of the clerk to keep a true record of all the proceedings of the board of trustees, and a correct record of all the proceedings and votes of the voters of said corporation at their annual or other legal meetings, and to keep on file all papers which may be ordained by the trustees.

**Treasurer to receive all moneys.**

SEC. 8. The said treasurer shall receive all moneys which may be collected for the use of the corporation by virtue of this act, or which may arise from any other source and belong to this corporation.

**President to sign all orders.**

SEC. 9. All moneys shall be drawn from the treasury by orders, signed by the president, by order of the trustees and countersigned by the clerk, who shall keep an account thereof in a book kept for that purpose; and the treasurer shall not pay out any funds of the corporation, except on the orders thus drawn.

**Treasurer to keep a correct account.**

SEC. 10. The treasurer shall keep a correct account of all moneys by him received and paid out, and shall render an account thereof to the trustees as often as they shall require; and the said trustees shall render an account of their proceedings, and the pecuniary condition of the corporation, at each annual meeting thereof.

**Meetings.**

SEC. 11. The president and trustees shall have power to call regular and special meetings of said corporation at any time they may deem it necessary, by giving ten days notice of the time and place of holding the same.

SEC. 12. Any three of said trustees shall be a quorum for the transaction of business.

**Power to levy tax.**

SEC. 13. Said corporation shall have power at any regular or special meeting to vote and levy such tax upon the taxable property of said corporation, as they may deem necessary for defraying the expenses of the corporation.

**Further powers.**

SEC. 14. The said corporation shall have power to build and maintain a levee or causeway from the east side of the shore of the Wisconsin river, to and across the island in said river, opposite said village of Sauk city; and to keep and maintain said levee or causeway above high water, for the purposes of a road or highway; and shall have exclusive power to keep and maintain a ferry across from said island to the west shore of said river at Sauk city aforesaid.

**Rates of toll.**

SEC. 15. Said corporation shall not charge or receive more than the following rates of toll for crossing said ferry



and levee, to wit: twenty five cents for a span of horses or yoke of oxen and waggon; fifteen cents for a horse and buggy; ten cents for a man and horse: five cents for each horse or ox; and for cattle or horses in droves, three cents each; for foot passengers, three cents each.

SEC. 16. The said president and trustees are hereby authorized to borrow any sum of money not exceeding two thousand and five hundred dollars, on the credit of the said corporation, to be expended by them in the construction and maintenance of said levee or causeway, and in providing suitable boats and tackle for said ferry, and running the same. May borrow money.

SEC. 17. The said trustees, to receive the payment of said sum of money so borrowed, as in the preceding section mentioned, are hereby authorized to issue bonds for the amount so borrowed, for a term of years not less than five nor more than twelve years, at such rate of interest as shall be agreed upon, not exceeding eight per cent per annum. May issue bonds.

SEC. 18. Said bonds shall be signed, before issued, by the president and clerk of said corporation; said bonds, when so signed as aforesaid, shall be in the hands of any bona fide holder of the same, full and complete evidence both in law and equity, to establish the indebtedness of said corporation, according to the tenor and effect of said bonds: *Provided*, No bonds shall be issued, except by order of a majority of the board of trustees made at a regular meeting of said board, and entered upon the records of their proceedings, and said bonds may be transferred by delivery. To be signed by president and clerk.

SEC. 19. It shall be the duty of the clerk of said corporation, on or before the first day of November in each year, to make out a tax list of the taxes voted by said corporation, also, under the direction of said board of trustees, to certify the amount of interest and principal that will become due on said bonds the ensuing year, which tax list and certificate, said clerk, with his affidavit thereto attached, verifying the correctness of said list and certificate, shall deliver to the town clerk of the town in which said village is situated; and he shall also certify the amount of said tax list and certificate to the corporation treasurer. Clerk to make out tax list.

SEC. 20. Said town clerk shall, in making out the duplicate assessment roll of the town next thereafter, enter and carry out such tax, and amount of interest and principal, so as above certified to, in a separate column therein, opposite the description of property in the limits of said cor- Tax, how to be collected.

poration, according to the valuation thereof; and such tax and interest, and principal, as set forth in said certificate, shall be collected in the same manner as town taxes are collected, and when collected shall be paid over to the treasurer of said corporation.

SEC. 21. The board of trustees, and officers of said corporation, shall have such compensation as the voters of said corporation may allow at their annual meeting; and the board of trustees shall have the care and management of the affairs and property of said corporation.

SEC. 22. This act shall take effect from and after its passage.

Approved, March 30, 1854.

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**Chap. 252** An Act to amend an Act entitled "An Act to incorporate the Merchants' Mutual Insurance Company of Milwaukee.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the Merchants' Mutual Insurance Company shall have power to build, or acquire by purchase, any steam or sail vessels, lighters, barges, or floating docks, to equip and maintain the same; and also, such other personal property as may be requisite in the prosecution of their business; and such property may be held as capital, in addition to the amount now authorized by law.

SEC. 2. This act shall take effect, and be in force from and after its passage.

Approved, March 30, 1854.

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**Chap. 253**

An Act to incorporate the Watertown Academy.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. William T. Butler, D. Jones, James Potter, Heber Smith, E. B. Quiner, Patrick Rogan, A. F. Cady, J. J. Enos, Daniel Hall, Henry Maldower, Henry Bertram, Charles Ducasse, John Leber, Simeon Ford, and their associates and successors, are hereby declared and constituted a body corporate, by the name and style of "Watertown Academy," to be located in the city of Watertown, and county of Jefferson, for the purpose of educating youth of both sexes.

SEC. 2. Said corporation shall have power to contract ~~Their powers~~ and to be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; it shall have a common seal, and may alter or renew the same at pleasure; shall have power to acquire, purchase, receive, possess, hold, and enjoy, property personal and real; and to sell, convey, rent, or otherwise dispose of the same at pleasure.

SEC. 3. The stock of said corporation shall be divided <sup>Stock</sup> into shares of five dollars each, which shall be deemed personal property, and shall be transferable, on the books of the corporation, in such manner as shall be prescribed by its by-laws.

SEC. 4. The business matters of said corporation shall be <sup>Affairs, how</sup> managed by a board of eleven trustees, a majority of whom <sup>managed.</sup> shall constitute a quorum. Said trustees shall be elected on the first Monday of May next, at seven o'clock P.M., at a meeting of the stockholders to be holden in the room of the common council of the city of Watertown, and shall hold their offices for the term of one year, and until their successors are duly elected; each stockholder shall be entitled to one vote for the first share by him owned, and one vote for the next two shares, and one vote for every three shares thereafter. After the first election there shall be an annual meeting of the stockholders for the election of trustees, on the first Monday of May, at such place in said city as shall be designated by the trustees.

SEC. 5. The trustees shall have power to elect a presi- <sup>May elect offi-</sup> dent, secretary, and treasurer, from their number, to fill <sup>cera.</sup> vacancies in the board of trustees; to sell, lease, mortgage, or otherwise to dispose of any real or personal property of said corporation, in such manner as they shall deem most conducive to the interests of said academy, and to erect and keep in repair all necessary buildings for the use of the same, to prescribe and direct the course of study and discipline to be observed in said academy, and to make all rules, regulations and by-laws, necessary to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, March 30, 1854.

## Chap. 254

To incorporate the Lake Plank Road Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Commission-  
ers.

SECTION 1. That Gustavus Dueval, N. Boardman, and N. P. Tallmadge, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lake Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of receiving subscriptions, by publishing the same in one or more newspapers printed in the county of Fond du Lac.

Stock.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, in shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed, and five per cent of the amount thereon actually paid in, or secured to, the said company, the subscribers of such stock, with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be and they are hereby created and declared a body corporate and politic by the name of the "Lake Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal, or mixed, in their corporate name; may sue and be sued; may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

Place of meet-  
ing for holding  
election.

SEC. 3. The said commissioners, or a majority of them, after said one hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more newspapers of the said county of Fond du Lac, of the time and place of the meeting of the stockholders, for the purpose of electing five directors, who shall hold their office until their successors are elected and qualified; and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named,

in the subscription of one hundred shares of stock, and organizing of said commissioners by the election by one of one of their number-president, shall have all the powers and perform all the duties of a board of directors of said company, and the corporate existence of said company shall be taken to have begun, and be complete, as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners, acting in the capacity of directors, the board shall have power to fill the vacancy.

SEC. 4. The affairs of said company shall be managed by said directors, who shall be stockholders, and be chosen by ballot by the stockholders, in person or by proxy, or by proxies duly authorized; and in all elections, and in the determining of all questions acted upon at any meeting of stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections, when the five persons having the greatest number of votes cast for directors shall be declared elected.

Affairs, how managed.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by electing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents, as they shall seem fit; and may fix their compensation, may demand adequate security for the performance of their respective trusts, and may remove officers and revoke the powers of such agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of said company, shall be effectual and binding upon the members of said company, and all persons interested thereas if the same formed a part of this act of incorporation.

Powers of directors.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the maturity of said stock, and all pay or payments thereon, and to require to pay such instalments as may be called for; also to adopt, in behalf of the company, a relinquish-

Further powers.

ment of any stock subscribed, and execute to the persons or persons relinquishing the same valid releases, discharging them from all liabilities thereafter, for or on account of the acts of said company, or any of its officers.

Tolls.

SEC. 7. The said directors shall have power to regulate tolls, and making such covenants and contracts, in its name and under the seal of said company, with any person or persons as the execution and management of its work, and the convenience and interest of the company may require; and may issue to each stockholder a certificate or certificates of the amount paid on such shares, at the time of issuing such certificate or certificates, shall be signed by the president, and countersigned by the secretary of said company, and such certificate or certificates shall be transferable in the manner prescribed by the laws of said company.

Power to construct single or double track road.

SEC. 8. The said company shall have power to locate and construct a single or double track road from any point in section (1), one or two in town fifteen, north of range seven, east, in the county of Fond du Lac, by the most feasible route said directors may determine on, to Lake Devue, in said county of Fond du Lac. The track of said road shall be constructed of plank, stone, gravel, charcoal or either, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular, and proper surface for the passage of wagons and carriages.

Further powers.

SEC. 9. It shall and may be lawful for said company, their officers, engineers or agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject however to the payment of such compensation as said company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided* That in such case, or cases, as may be necessary, for said company to obtain gravel or stone, or to make excavations and embankments for the construction of said road, said company may locate the route of said road, not to exceed six rods in width: *Provided also*, that said road shall be located through orchards or gardens, without the consent of the owners thereof, and they may also cut the

uch trees on each side of said road, as may endanger said road by falling or otherwise.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapability of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace in said county, to issue a warrant directed to the sheriff, or any constable of said county in which the land may lie, not directly interested, requiring him to summon a jury of nine freeholders of said county, in which the land in dispute may be situated, not interested in said property, to meet said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant, and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable, shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company, or the owner or owners of said property to be valued, their agents or attorneys, or either of them, and if they are not present in person, or by attorney, the said sheriff or constable shall, for him, her or them, strike off, each, two of said jurors, and the remaining five shall act as jurors of inquest of damages. Before they act as such, the same justice of the peace shall administer to each of them, on oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damage which the owner or owners shall sustain by reason of the construction of said road, according to the best of their skill and judgment. Whereupon the said justice and persons, shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by said justice, and the verdict of the jurors thereon, shall be signed by the jurors, by a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days hereafter, transmit the same to the clerk of the circuit court of said county, who shall file the same; such inquiry shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value

In case of disagreement as to value of land.

thereof as aforesaid, and such valuation, when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the clerk of said circuit court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road. *Provided*, that it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had, at least, five days notice of the time and place of meeting, for the purpose of making such valuation, or unless it in like manner shall be shown, that such owner or owners are not under age, feme covert, or non compos mentis, in which last case it shall be in like manner be shown, that such service shall be made upon the guardian, trustee, committee or husband, as the case may be, under the same restriction as hereinbefore recited: and in case of non-resident owners, notice of said inquest shall be given by the publication of said notice in one or more newspapers in said county where the land may be situated, by publishing the same for four successive weeks, at least, once in each week, before the time of taking such inquest. *Provided further*, that no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof.

May construct  
road and exact  
tolls.

SEC. 11. The directors shall have power, in their discretion, to construct said plank road along and upon any road or highway now or hereafter to be laid, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine: said directors may erect, or cause to be erected, toll gates, may exact and take tolls from persons travelling on their road, whenever three consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh, vehicle or carriage drawn by one animal, one cent per mile; and for every horse and rider, or for every led animal, one cent per mile; for every score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile. *Provided*, that persons going to and from military parade, at which they are



ired by law to attend, and persons going to and returning from funerals shall be exempt from tolls. The tollier at each gate, when erected on said road, in pursuance of this act, may detain and prevent from passing a gate, any animal, carriage, vehicle, sleigh or sled, subject to toll, until the toll thereon is paid.

sec. 12. The said directors may receive from any stockholder in said company, in lieu of money, for the stock subscribed by him, real or personal property, to be approved of by the said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to said stockholders, in the same manner as if they had paid in the full amount in money; and it shall be competent for the said stockholders paying their subscriptions in installments aforesaid, to contract and to pay said company interest at the rate of twelve per cent., for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them in the same manner as if the same had been made payable to individuals, or to their order or assigns.

May receive personal property.

sec. 13. If any person shall wilfully or knowingly obstruct, break or destroy the said road to be constructed by said company, or any part thereof, or any work, building or fixtures, attached to or in use upon the same, or refusing to aid said company, such person or persons so offending, shall each of them for every such offence be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction, in the county wherein the offence has been committed; and also shall be subject to punishment, and upon conviction, shall be punished by fine or imprisonment, or either, at the discretion of the court.

Penalty for obstructing road.

sec. 14. Any person who shall wilfully break, or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to the said road, or do any damage to the said road, or forcibly or fraudulently pass such gate without having paid the legal toll, or avoid the payment of the legal toll, shall, with his horse, carriage or animal, turn out of said road, or pass

Ibid.

by Google

May increase  
capital stock.

any gate thereon, or ground adjoining thereto, and a return on the said road, shall for such offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and shall be liable also for all damages done to the profits of the said company in an action of trespass.

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in the amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said road, and such sections as may have been actually commenced, to remain in an unfinished state for want of means to complete the same.

SEC. 16. If said company shall not within two years from the passage of this act, commence the construction of said plank road, and expend three thousand dollars more thereon, and shall not within ten years from the passage of this act complete the same, the rights, privileges and powers of the corporation under this act shall be null and void.

SEC. 17. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

SEC. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

Approved, March 30, 1854.

**Chap. 255** An Act to authorize Charles Klingholtz to construct and maintain a canal at Manitowoc Rapids.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That there is hereby granted to and vested in Charles Klingholtz, his heirs, associates and assigns, the right and authority to make, construct and maintain a canal a race-way at Manitowoc Rapids, Manitowoc county, Wisconsin, from a certain point on the Manitowoc river, to a certain point on the said river, through and across lot number one (1), in section number twenty-four (26), township number nineteen (19, north of range number twenty-three (23) east : *Provided*, the said canal shall not be constructed without the consent of the owners of the land through which the same is to be constructed.

SEC. 2. There is hereby granted to the said Charles ingholtz, his heirs, associates and assigns, the right and authority to erect and operate mills and other machinery on said canal, and to make use of the water of said river on said canal, for such hydraulic purposes as he or they may deem expedient: *Provided*, that the construction of said canal shall not impair the navigation of said Manitowoc river.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 31, 1854.

An Act to incorporate the Newport and Menasha Railroad Company.

Chap. 256

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Jerome Marble, W. H. Gleason, O. P. Clin-  
on, George Cowan, A. V. Everhard, Walter James, L. O.  
lvans, Ezra Wheeler and H. B. Warden, be and they are  
hereby appointed commissioners, under the direction of a  
majority of whom subscriptions may be received to the  
capital stock of the Newport and Menasha railroad com-  
pany, hereby incorporated, and they may cause books to  
be opened, at such time and places as they may direct, for  
the purposes of receiving subscriptions to the capital stock  
of said company.

Body corpor-  
ate.

SEC. 2. The capital stock of said company shall be di-  
vided into forty thousand shares of one hundred dollars  
each, and as soon as four hundred shares of stock shall be  
subscribed, and five dollars on each share actually paid  
in, the subscribers of such stock, with such other persons  
as shall become stockholders in conformity with the provi-  
sions of this act, their successors and assigns, shall be  
and they are hereby declared and elected a body corpo-  
rate and politic, by the name and style of the "Newport  
and Menasha Railroad Company;" and by that name shall  
have perpetual succession, and shall have and enjoy all of  
the privileges, franchises and immunities incident to a  
corporation; they shall be capable in law of purchasing,  
holding, selling, leasing and conveying estates, either real,  
personal or mixed; they may make, have and use a com-  
mon seal, and alter, break or renew the same at pleasure;  
and by that name they may sue and be sued, plead and  
be impleaded, answer and be answered, defend and be de-  
fended, contract and be contracted with, and generally

Stock.

Powers.

**Election of directors.**

may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of said corporation.

SEC. 3. The said commissioners, or a majority of them after the said four hundred shares of stocks are subscribed shall close the books of subscriptions, and shall give thirty days notice to the stockholders, to meet for the purpose of electing seven directors; and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

**Affairs, how managed.**

SEC. 4. The affairs of said corporation shall be managed by a board of seven directors, who shall be stockholders and who are hereby invested with all the powers of said corporation, they shall be chosen annually by ballot, at the annual meeting of the stockholders, (which shall be held on the second Wednesday of February,) by the stockholders of said company, on like notice as is herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, and in all elections for directors, those stockholders, equal to the number to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause, an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time, on thirty days notice, to be given in some weekly newspaper, published in each of the counties through which said road is to pass, if a paper shall be published in said county, and until such election be had, the directors of the preceding year shall continue to act; and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities, by the reason of the irregularity or want of said election. The board of directors may at any time increase or diminish the number of directors to be elected, at the next annual meeting of stockholders: *Provided*, that the number shall not be more than fifteen, nor less than five, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

**Transaction of business.**

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be conveyed in such manner as they shall decide upon; they shall elect

by ballot, one of their number to be president, pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary; fix their compensation, and may demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate, to decide upon the amount to be paid upon such subscriptions; the time, and manner, and proportions in which the stockholders shall pay subsequent instalments on their respective shares, and to forfeit to the use of the company, the share or shares of any person failing to pay any instalments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements, with any person, persons, copartnership or corporation whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company.

SEC. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the president and secretary, and sealed with the common seal of the company, subject, however, to all of the payments due and to become due thereon; which stock shall be transferable in such manner as shall be provided by the by-laws of the company. Shall issue certificates to stockholders.

SEC. 7. At such annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting. Statement of affairs.

May construct  
and locate rail-  
road.

SEC. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such point in the village of Newport, in the counties of Columbia or Sauk, by the most practicable direct route, by the way of the village of Montello, in Marquette county, and to Menasha, in Winnebago county; and the said company shall have power to transport, take, and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other powers, or of any combination of them, and to make, construct, and put in operation, all such turn outs, side tracks, and connecting tracks, as they shall think will promote the interests of the company; and to erect and construct all such depots, station houses, warehouses, car houses and shops, engine houses and shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road, and of those using it; to manufacture or purchase all necessary engines, cars and other conveniences for running said road; and they shall have power to connect the said railroad with any other railroad, or branch railroad, in this state, and to operate the same in connection with such other railroad or branch railroad, and to lease or purchase from any other railroad company, the whole or any part of any railroad, or branch railroad, owned by such company.

May borrow  
money.

SEC. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporate or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, any law on the subject usury in this state, or any other state where such transactions may be made to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount and kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that it may incur in construction, repair, improvement, or running of said road; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, viz: the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed; and the contracts and official acts of said company declared binding, in law and equity, upon said corporation, and upon all parties to said contracts.

SEC. 10. The provisions of the act entitled an act to au- Powers ex-  
 thorize certain counties, towns, and villages, to aid in the tended.  
 nstruction of the Manitowoc and Mississippi Railroad,  
 approved April 1st, 1853, shall be and the same are ex-  
 tended and made applicable to the corporation hereby  
 created.

SEC. 11. If said corporation shall not, within two years Time allowed  
 from the passage of this act, commence the construction for construc-  
 said railroad, and in five years from the time aforesaid tion of rail-  
 complete the same, then the rights, privileges and powers road.  
 said corporation under this act shall be null and void.

SEC. 12. It shall be lawful for said company, their offi- May take land  
 cers, engineers, and agents, to enter upon any land for the for construc-  
 purpose of exploring, surveying, and locating the route of tion of road.  
 said railroad, doing thereto no unnecessary damage; and  
 when the said route shall be determined by said company  
 shall be lawful for them, their agents, officers, engineers,  
 contractors, and servants, at any time to enter upon, take  
 possession of, and use such land, not exceeding one hun-  
 dred feet in width, along the line of said route, subject,  
 however, to the payment of such compensation as the  
 company may have agreed to pay therefor, or shall be as-  
 ascertained in the manner hereinafter provided in such cases  
 respectively; and it shall further be lawful for said com-  
 pany, by their officers, engineers and agents, to enter upon  
 lands adjacent to the railroad, beyond the limits provided  
 by this act, when necessary for the purpose of erecting  
 depot buildings, station houses, and necessary fixtures, for  
 the operation and business of said road, and for the pur-  
 pose of making drains and giving a proper direction to  
 water-courses across or along said road; and to remove all  
 obstructions and things which might endanger, obstruct or  
 interfere with the free use of said road, and to deposite  
 gravel and stone taken from deep cuts, and to obtain  
 earth, gravel, and other materials, for embankments and  
 structures necessary to the construction and repairs of said  
 road, doing, however, no unnecessary damage; and all  
 damage which shall be done to any lands or property, un-  
 der the provisions of this section, shall be ascertained and  
 paid for in the manner and agreeable to the provisions of  
 said act; and when such damage shall have been paid, or  
 tendered, the title to the land occupied by such building,  
 structures, excavations, and embankments, shall vest in fee  
 simple in said company, agreeably to the provisions con-  
 tained in this act; and it shall further be lawful for said  
 company to purchase and hold, in fee simple, lands adjoin-

ing or adjacent to the railroad, for the purpose of procuring earth, gravel, or other material, for embankment and structures necessary to the construction and repairs of said road and necessary buildings; and whensoever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Compensation  
for lands so  
taken.

In case of dis-  
agreement as  
to value of  
land.

SEC. 13. The said company shall have the right to enter upon any lands required for their use as aforesaid, in the twelfth section of this act, and to survey and lay out said road, not exceeding one hundred feet in width; and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable titles to the same, or any lien or encumbrance on the same; and if the person or persons owning or possessing such legal or equitable title, lien, or encumbrance, shall be a minor, non compos mentis, insane, a married woman, or under any legal disabilities, then with the guardian of such person or the husband of such married woman; and if such company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration, in the manner following, to wit: the said company shall select a disinterested arbitrator, and such owner, guardian or husband, and shall select another who shall be disinterested and not of kin to him; or, if they should refuse or neglect for the space of three days, after being notified by the said company to do so; or if they be non residents of the state, they shall be notified by mail, by letter, signed by the secretary and addressed to their usual place of residence, to select such arbitrators; and if they shall refuse or neglect, for the space of sixty days after mailing of such letter, then, in all cases of neglect or refusal as aforesaid, the judge of the county court, or chairman of the county board of supervisors of the county in which such lands shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimant, or in any manner interested in said company; and the said arbitrators having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company to such person for the land so taken, and shall deliver a copy of their award, in writing, to each of the parties; and if the amount awarded by such arbitrators shall be more than said company had previously offered to



then said company shall pay all of the expenses of said arbitration; and if it shall be less, then the other party shall pay such costs. And either party may, within ten days after receiving a copy of such award, appeal from the same to the court of the proper jurisdiction of the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators; and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all of their proceedings to the said court; and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which the said arbitrators were, by this act, required to take into consideration; and the said court shall thereupon proceed to render judgment, in favor of such complainant, against said complainant; and if the amounts so found for such complainant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs; and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs, and against said claimant. And when such compensation so to be ascertained, according to the provisions of this section, shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in said company in fee simple, and a copy of such award or judgment filed in the office of register of deeds of the county in which the lands lie, shall be sufficient evidence of such title; and the said company shall have sufficient power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy, the peaceable and uninterrupted possession of said lands, for all lawful purposes of said corporation; and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy, and enjoyment, by any proceeding either at law or in equity.

SEC. 14. In all cases when according to the provisions of the fourteenth section, the company cannot agree with the owner as to the amount of compensation to be paid for any lands necessary for the use said company, or with the guardian or husband, as provided by said act, and where, or the purpose of submitting such question of compensation to arbitration, the company shall have selected an ar-

Three arbitrators to decide amount of compensation.

bitrator, and such owner, guardian or husband, shall have selected another, and where the two arbitrators so selected cannot agree as to the amount of such compensation, they shall select a third person to act with them; and in case the two arbitrators to be selected by the parties cannot agree upon the selection of a third person to act with them as provided by this section, the judge of the county court, or chairman of the county board of supervisors of the county in which such land shall lie, shall appoint some competent person to act with them as arbitrator, and the three arbitrators selected in either of the modes aforesaid, or a majority of them, shall proceed to make an award in the manner provided in the preceding section, which amount, when made, shall have the like force and effect, and be subject to the same conditions as an award made by arbitrators appointed by the judge of the county court, or chairman of the county board of supervisors, as provided by this act.

In case of disagreement, judge of circuit court to appoint three other arbitrators.

SEC. 15. In case the arbitrators selected in pursuance of the preceding sections of this act, or any arbitrators appointed by the judge of the county court, or chairman of the board of supervisors, in pursuance of the preceding sections of this act, shall be unable to agree upon any award, or shall refuse to act for the space of three days after they shall be notified of the selection or appointment, shall neglect to act, the judge of the circuit court in which such land shall lie, shall appoint three other arbitrators, in the manner provided in this act, who shall proceed in the discharge of the duties of their appointment, in the same manner and form, and with the same force and effect as is provided by the said act for the arbitrators appointed in pursuance of its provisions.

Company may construct road across highways, &c.

SEC. 16. The said company may construct the said railroad across any public or private highway, streams of water or water-course, if the same shall be necessary, but the said company shall restore said road, highway, stream of water or water-course, to its former state, or in a sufficient manner, not to impair the usefulness of said road, highway, stream of water or water-course, to the owner or to the public.

May charge for passage and freight.

SEC. 17. On the completion of the said railroad, or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and recover such sum or sums of money for passage and freight of persons and property as they shall, from time to time, think reasonable.

SEC. 18. If any person shall wilfully and knowingly in-  
 jure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached to, or in use upon the same, belonging to the said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending, shall each of them for every such offence forfeit and pay a sum not exceeding three times the amount of damages caused by the offence, which may be recovered in the name of the said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed; and shall also be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by the authority of the state, shall be received as evidence thereof in all cases.

Approved, March 30, 1854.

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An Act to lay out a certain State Road.

Chap. 257

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Joseph G. Blakslee, Allen Perkins and Baily Pearson, are hereby appointed commissioners to lay out a state road from T. Weston's mill, on Yellow river, in the county of Adams, to Hamlin's mill, in the county of Sauk, thence to Perkin's mill, in the county of Richland, thence to Helena, in the county of Iowa.

SEC. 2. Said commissioners shall be entitled to such compensation as the supervisors of the counties through which said road runs may determine: *Provided*, that no part of said expense be paid out of the state treasury.

Approved, March 30, 1854.

**Chap. 258** An Act to amend chapter 101, of the Session Laws of 1852, entitled "An Act to incorporate the Oconomowoc, Mayville, and Fond du Lac Plank Road Company."

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Directors may sell any portion of road they may deem proper.

SECTION 1. Chapter 101, of the session laws of 1852, entitled "an act to incorporate the Oconomowoc, Mayville and Fond du Lac plank road company," is hereby so amended as to authorize the president and directors of said company, if they deem it proper, to sell the northern, or any portion of said road, together with all, or such rights and liabilities provided for in said charter, as may be agreed upon by the contracting parties, to any number of persons, not less than seven, for such consideration as may be deemed proper by said president and directors: or may vacate or discontinue any portion of said road whenever they may deem it for the best interests of said company, by filing a notice thereof, signed by the president and secretary of said company, in the office of the clerk of the board of supervisors of the county in which that portion of the road designed to be vacated or discontinued lies, which notice shall contain a particular description of that part of the road designed to be vacated or discontinued, and thereupon such part of the road in such notice described, shall become vacated, and the town in which said road lies, shall have the right to take and use the same, if necessary, for a public highway.

Persons so purchasing shall be a body corporate.

SEC. 2. In case said company shall sell a part of said road, the persons so purchasing, shall have the right to a separate name and existence, and shall be a body politic and corporate, by the name and style of the Menasha, Mayville and Fond du Lac plank road company: *Provided*, they shall first give notice of their intention to organize a company under and by virtue of this act, by causing a proper notice thereof to be published three weeks in one of the public newspapers published in each of the counties through which said road will pass.

And may be officers of new company.

SEC. 3. The persons purchasing a part of the present road, after the notice given as above required, shall be the officers of such new company, until others are elected and qualified, one of whom shall be elected president, and one secretary of such company. Whereupon the company so organized shall be governed by, and be entitled to all the rights, privileges and immunities conferred by said chapter 101, of which this act is amendatory.

SEC. 4. This act shall not be so construed as to take <sup>Their rights</sup> away any rights from the present company, except such as <sup>and privileges.</sup> be parted with by bargain and sale, but shall only be deemed to confer upon such new company, when duly organized, as by this act required, all the rights and privileges, that a new charter similar in all respects (except time and corporators) to the present charter, could or would confer, the design of this amendment, among other things, being to confer upon a new company hereafter to be formed, all the rights and privileges conferred upon the present company, without abridging any of the rights and privileges of the existing company, except by their consent.

SEC. 5. This act shall take effect from and after its passage.  
Approved, March 30, 1854.

An Act entitled an Act to establish the Sextonville Academy, in Richland County. **Chap. 259**

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chas. Devoe, E. M. Sexton, Henry A. Leonard, Asa M. Collins, and Alfred Bush, and their associates <sup>Body corpor-</sup> and successors, are hereby declared and constituted a body <sup>ate.</sup> corporate by the name and title of the Sextonville Academy, to be located in, or adjoining the village of Sextonville, in the county of Richland, for the purposes of education.

SEC. 2. Said corporation shall have power to contract <sup>Powers.</sup> and be contracted with, sue and be sued, plead and be npleaded, defend and be defended, in all courts whatever; said corporation may have a common seal and alter the same at pleasure, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, not exceeding twenty thousand dollars at any one time, and the same to sell and convey, rent, and otherwise dispose of at pleasure.

SEC. 3. The stock of said corporation shall be divided <sup>Stock.</sup> into shares of five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the trustees of the same.

SEC. 4. The concerns of said corporation shall be managed <sup>Affairs, how</sup> by seven trustees, a majority of whom shall consti- <sup>managed.</sup> tute a quorum for the transaction of business; they shall

be elected at a meeting to be holden on the third Tuesday of April next, at the school house in Sextonville, at one o'clock in the afternoon, and shall hold their office for one year, and until their successors are duly elected and qualified; the election of said trustees shall be by ballot; each stockholder shall be entitled to one vote for each share by him owned, and stockholders shall meet annually on the first Monday of May, for the election of trustees, at the same time and place of their last meeting until they shall otherwise direct.

Election of  
officers.

SEC. 5. The trustees shall have power to elect a president, secretary and treasurer from their own body, and to fill vacancies in the board of trustees; and to sell, lease, mortgage, or otherwise dispose of any of the property belonging to said corporation; and to acquire or purchase any real, personal, or mixed property, in such manner as they shall deem most conducive to the interest of said academy; but in no case shall said trustees contract debt beyond the income of said corporation, without the consent of stockholders owning two-thirds of the stock; to direct and prescribe the course of study and discipline to be observed in said academy.

Their duties  
and salaries.

SEC. 6. The stockholders shall have power to prescribe the duties and fix the terms and salaries of officers of said corporation, except as herein otherwise provided for, to remove or suspend them from office, and appoint others in their place; and to call special meetings of said stockholders, by posting three written or printed notices of the same in three of the most public places in Sextonville, and a majority of the stockholders shall constitute a quorum and be competent to act as aforesaid.

Meetings.

SEC. 7. No sectarian doctrines shall ever be taught in said academy.

SEC. 8. This act shall take effect from and after its passage.

Approved, March 31, 1854.

## Chap. 260

An Act to incorporate the Granville Academy, in Marquette County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corpor-  
ate.

SECTION 1. That John B. Leward, Charles Akin, James Knight, John Parker, Jerome Chesebro, Charles E. Russell, Peter Craizon, Henry W. White, William N. Mathews, Neland Dewitt, James W. Bart, Moses K. Kribbs,

Archibald Nichols, and their associates, together with such persons as may hereafter be associated with them, be and the same are created a body corporate and politic, with successors, to be styled and known by the name and title of the Granville Academy, by which name they and their successors shall be known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity. The object of the corporation is to cultivate science and literature. The corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey, or otherwise lawfully dispose of the same. **Powers.**

SEC. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as shall be prescribed in the laws of the corporation. **Stock.**

SEC. 3. Any seven of the above named persons shall have power to call a meeting of said association by giving twelve days notice thereof, by posting up notice in three public places, in the village of Granville, in the town of Mackinac, in the county of Marquette, the academy is to be located in or about said village as the corporation may designate, having in view the most eligible site for such an institution. **Meetings.**

SEC. 4. At the first legally notified meeting, the stockholders shall have power to elect by ballot nine trustees, who shall hold their office one year: *Provided, always,* that said trustees so elected shall hold their office until their successors shall have been chosen and qualified. **Officers.**

SEC. 5. At all elections and meetings of the company, lawfully assembled for the transaction of business, each stockholder shall be entitled to one vote for each share of stock in the company owned by him. **Votes.**

SEC. 6. The trustees shall have power: first, to elect from their number a president, secretary, and treasurer, also to elect all other officers of the corporation; second, to call special meetings of the stockholders to fill vacancies in the board of trustees, or such other purpose as may to them appear necessary; third, to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders, for the purpose contemplated in this act; also to erect and keep in repair all necessary buildings for the use **Powers of trustees.**

of the corporation; fourth, to employ suitable teachers and prescribe and direct the course of study and discipline to be observed in said institution; fifth, to prescribe the duties and fix salaries of all the officers of the corporation, and to remove and suspend them from office for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their places; sixth, to make all rules, regulations and by-laws necessary and proper to carry into effect the powers herein granted and not inconsistent with the constitution and laws of this state; and to have such further general powers not herein specified and not inconsistent with letter and spirit of this act, as are granted to corporations under the name of general provisions relating to corporations in chapter fifty-four of the revised statutes.

SEC. 7. No religious test or qualification shall be required of any trustee or other officer of the corporation, nor of any student of said academy.

SEC. 8. This act may be amended or altered by any future legislature.

Approved, March 31, 1854.

**Chap. 261** An Act to incorporate the Waldwick Mining and Smelting Company of Iowa County, Wisconsin.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Body corporate.**

SECTION 1. Thomas F. Dyer, William A. Pearce, and Robert C. Dyer, their associates and successors, are hereby constituted and appointed a body corporate and politic, by the name and style of the "Waldwick Mining and Smelting Company of Iowa County, Wisconsin;" and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto, in all courts of law and equity; may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to corporations, for the purpose of mining, smelting, or manufacturing zinc, copper and lead, and the ores of said metals, in the county of Iowa.

**Powers.**

SEC. 2. Said corporation shall have power to purchase, hold, and convey real estate: *Provided*, That the cost of the real estate held by said company, at any one time, shall not exceed one hundred thousand dollars.

**Meetings.**

SEC. 3. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such time and place in said county as they



all designate, and at such meetings, and at all other meetings duly notified, said corporation may make and alter such by-laws, rules and regulations, for the management of the business of said corporation, as a majority may direct, not repugnant to the laws of this state, nor of the United States.

SEC. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof, in such manner as such corporation shall from time to time deem expedient.

SEC. 5. This act is hereby declared to be a public act, and the same shall be construed favorably in all courts and cases whatever; and the same shall take effect and be in force from and after its passage.

Approved, March 30, 1854.

An Act to incorporate the Muskego Canal Company.

Chap. 262

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SEC. 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and declared a body corporate and politic by the name and style of the Muskego Canal company, and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defended and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal, and may alter the same at pleasure, and by the same name shall be able of purchasing, holding and conveying any estate, real or personal property, for the use and benefit of said corporation.

SEC. 2. The capital stock of said company shall not exceed fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, and may be transferred in such manner as the laws of the company direct.

SEC. 3. Said corporation shall have power, and are hereby authorized to construct and maintain a canal for the purpose of draining the waters of Muskego and Wind Lake, in the counties of Waukesha and Racine, into Root River or its tributaries, at such points as they shall select, and also to construct and maintain such other canals in the

towns of Muskego, Franklin and Norway, as may be necessary to connect the waters of the small lakes in said towns with the waters of said Muskego and Wind lakes, and to drain the same. And all right, title and interest of the state to all the lands now submerged by the waters of said lakes, together with the marsh and swamp lands surrounding said lakes in said towns, which may be deemed by the draining hereof, is hereby relinquished to said company; and they are hereby authorized to have, hold and enjoy the same in fee simple, with full power to convey the same: *Provided*, however, that they shall commence said canal within one year, and complete the same within three years from the passage of this act. And said company may, in their corporate capacity and name make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bonds, mortgages, on real or personal property belonging to said company, in the due prosecution of their business, or as security for the loan of money borrowed by, or due from said company to any person or persons, or body corporate, all of which said company is authorized to do, any law to the contrary notwithstanding; but this section shall not be so construed as to confer banking powers upon said corporation: *Provided*, that this act shall not effect any rights or privileges of the land owners, settlers, secured to them by statute or common law.

Property and  
affairs, how  
managed.

SEC. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three, nor more than nine directors, who shall be elected annually; and who shall respectively be stockholders of said corporation, and who shall be elected as aforesaid, by the stockholders, at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof, or by persons duly authorized. All such elections shall be by ballot; and the persons receiving the majority of votes cast shall be directors: and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of the said corporation. The number of directors, and how many shall constitute a quorum for the transaction of business, shall be determined by the by-laws.

Duties of directors.

SEC. 5. The said directors shall annually, after their election, elect one of their number president, whose duty it shall be to preside at the meetings of the board, and

use of his absence at any meeting, the directors present may elect a president pro tem. The directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management of the property, concerns, business and stock of said corporation, as they may deem expedient and proper. All meetings for the transaction of business for the corporation, shall be held at their office, which shall be located in the city of Racine; and the manner and times of calling meetings shall be prescribed in the by-laws of said company. The directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation, and define the duties of all officers; they shall have the power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor,) on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors, but such election shall be always held at the office of said company, upon due notice to the stockholders, of not less than thirty days before such election: *Provided*, that if for any cause such election shall not be held at the time appointed, the same may be held at any time, upon a like notice being given to the stockholders, and the directors of the preceeding year shall, in all cases, continue to act until the election of their successors in office.

SEC. 6. Books for subscription to the capital stock of said company, shall be opened at Congress Hall, in the city of Racine, on the first Monday of May next, under the inspection and direction of James M. Titus, George C. Northrop, Hans Hegg, George Larsen, Thomas West, Truman G. Wright, John A. Carswell, Horace T. Sanders, James R. Doolittle and James Cotton, and a majority of whom may keep said books open from day to day, until at least ten thousand dollars of said stock be subscribed for, when the said Titus, Northrop, Hegg, Larsen, West, Wright, Carswell, Sanders and Cotton, may deliver to such subscribers said book, and the said subscribers shall then proceed to elect the board of directors as herein provided for, and such directors, when so elected, shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed fifty thousand dollars, and if such capital shall be fixed at any sum

Books for subscription to be opened.

less than the last named amount, the same may at any time thereafter be increased by a two-third vote of said directors, at a regular meeting thereof, to any amount not in the whole, however, exceeding the said sum of fifty thousand dollars.

**Exclusive  
rights**

SEC. 7. The said company shall have the sole and exclusive right to the use of the water-power created by said canal, and shall have the right to enter upon land on the line of said canal, for the purpose of locating and constructing the same, and improving the water-power thereby created, doing thereto no unnecessary damage.

**In case of disagreement as  
to value of  
land.**

SEC. 8. In case the said company cannot agree with the owners of any land through which the said canal may run, as to the amount of compensation to be paid for damages to such lands, then the question of damages shall be submitted to arbitrators, in the following manner: each party shall select a disinterested arbitrator, and such arbitrators shall select another, or if either party shall neglect for three days after being notified so to do by the other party, or if non-residents of this state, and are notified by mail or letter, addressed to their usual place of residence to select such arbitrator, and shall neglect so to do for sixty days after mailing of such letter, then in all cases of such neglect, the circuit judge of the county in which such lands lie, shall select such arbitrators; and the said arbitrators shall proceed to make an award of the amount of compensation which shall be paid for such damage, and shall deliver a copy of their award in writing to each of the parties; and either party within ten days after receiving a copy of such award, may appeal from the same to the circuit court of said county, by giving written notice of such appeal to one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said cause on its docket, in which the claimant of damages shall be plaintiff, and shall proceed to ascertain the amount of damages, and if the amount so found for such plaintiff shall exceed the amount of the award, judgment shall be rendered for the plaintiff with costs; and if the amount shall not exceed the amount of the award, judgment shall be rendered against such plaintiff for costs, and the award shall remain in force; and when the amount so found by such award or judgment shall be paid or tendered to the party entitled thereto, the same shall be a bar to any action or proceedings at law or in equity for such damages.

SEC. 9. This act is declared a public act, and shall be in force from and after its passage.

Approved, March 31, 1854.

An Act to lay out a certain State Road.

Chap. 263

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Titus Fernow, Harman G. C. Kemper and Charles Quentin, are hereby appointed commissioners to lay out and establish a state road from Port Ullao, in Ozaukee county, to the city of Milwaukee, running through sections five and eight, in township number nine, north of range twenty-two east.

SEC. 2. Said commissioners may lay out the road aforeaid upon any road, or upon a portion of a road now laid out, whenever they may deem it practicable or expedient.

SEC. 3. The counties of Ozaukee and Milwaukee may allow the said commissioners such compensation shall be paid by the state.

Approved, March 31, 1854.

An Act to authorize certain Towns to loan their credit to aid in the construction of the Port Washington and Newburg Plank and Turnpike Road Company.

Chap. 264

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The several boards of supervisors of any town through which the Port Washington and Newburg plank and turnpike road may be located, and of the towns at either end of said road, are hereby authorized to issue the bonds of their respective towns, in a sum or sums not to exceed eight thousand dollars each, to the Port Washington and Newburg plank and turnpike road company, payable within twenty years from date, with interest, not to exceed eight per cent. per annum, payable at any place within or without this state. And the faith and credit of said towns shall stand irrevocably pledged for the payment of said bonds and interest; and said boards of supervisors, whenever it shall become necessary, shall annu-

May issue bonds.

May loan their credit.

ally levy a tax upon the taxable property of said towns, to be collected as other town taxes are collected, to pay the interest which may become due thereon.

**Bonds not to be issued until provisions of act are complied with.**

SEC. 2. No bonds shall be issued under the provisions of this act, until the said plank and turnpike road company shall have given security to the satisfaction of the board of supervisors of the towns issuing the same, conditioned that the company shall pay the interest annually of said bonds, and the principal when due, and save harmless said towns from the payment of any interest or principal of said bonds.

**Register of bonds to be kept.**

SEC. 3. The supervisors of each such town shall cause to be kept an accurate register of all bonds issued under the provisions of this act, showing the dates, the numbers and amounts thereof, when and where payable, and the amount of interest stipulated therein; and they shall also cause to be kept in the office of town treasurer of said towns, such books and entries as will fully exhibit all liabilities, receipts, disbursements, and the precise date of indebtedness arising in any manner under this act.

**Majority of legal voters required before issuing bonds.**

SEC. 4. No bonds shall be issued in pursuance of this act, until a majority of the legal voters of said town voting upon said question, shall have voted in favor of the same, as hereinafter provided.

**Election.**

SEC. 5. Whenever ten legal voters in either of said towns shall request the town clerk of their respective towns, in writing, to call a special election for the purpose of voting upon the question of issuing the bonds of said town; said town clerk shall, within ten days after receiving such request, give twenty days notice of such election by posting up notices in at least three of the most public places in such town, which notices shall set forth clearly the object of said election.

**Where to be held.**

SEC. 6. Said elections shall be held at the usual places holding elections in the respective towns; and the voter voting at said election shall deposit a ballot containing in the words, "for the plank road," or "against the plank road." Said elections shall be conducted, and the result thereof canvassed in the same manner, as the annual meetings are by law conducted, and the result canvassed and the returns thereof made by the board of supervisors shall be recorded on the records of said towns; a copy of which record, when attested by the town clerk, shall be received as evidence of the result of such election.

**How bonds are to be signed.**

SEC. 7. The bonds issued under the provisions of this act, shall be signed by the chairman of the board of su-

visors of the town issuing the same, and attested by the town clerk.

SEC. 8. This act shall take effect, and be in force from and after its passage.

Approved, March 31, 1854.

An Act to amend an Act authorizing the City of Milwaukee to loan its credit in aid of certain Railroads, and the Acts amendatory thereto. **Chap. 265**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The provisions of an act entitled an act authorizing the city of Milwaukee to loan its credit in aid of certain railroads, approved April 2, A. D. 1853, and the acts amendatory thereto, are hereby extended, and should include the Southern Wisconsin railroad company, or any other railroad company duly incorporated and organized for the purpose of constituting railroads to intersect and connect with any other railroad, having its terminus in said city, which, in the opinion of the common council, are entitled to aid from said city: *Provided*, That the amount of bonds which under this act, and the act of which this act is amendatory, shall be issued to aid in the construction of any one railroad shall not exceed three hundred thousand dollars: *and Provided*, That the aggregate amount of bonds which shall be issued under said acts, shall not exceed fifteen hundred thousand dollars.

SEC. 2. No bonds shall be issued or delivered to any railroad company until the question of granting the credits of the city in aid of the construction of such railroad, shall have first been submitted to and approved, by the voters of the city of Milwaukee, in the manner provided in section eight of the Act to which this is an addition, nor until all the other provisions of said act relating to the securities to be given to said city are complied with, to the satisfaction of the common council.

SEC. 3. All acts and part of acts conflicting with or inconsistent with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

Approved, March 31, 1854.

## Chap. 266

An Act to organize the Town of Howard, in the County of Oconto.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Townships twenty seven (27), and twenty eight (28), in ranges nineteen (19), and twenty (20) east, in Oconto county, be and the same are hereby set apart and organized as a separate town for all town purposes, by the name and style of "Howard."

SEC. 2. The first town meeting, for the purpose of electing town officers, shall be held on the first Monday of May A. D. 1854, at some suitable place at or near "Eldred's Mills," and conducted (then, as far as practicable) and thereafter, in all respects subject to the laws of this state regulating town meetings.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 31, 1854.

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## Chap. 267

An Act concerning the Clerk of the City of Racine.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The clerk of the city of Racine is hereby authorized to appoint a deputy clerk by and with the advice and consent of the mayor and council.

SEC. 2. The appointment of Isaac Harmon, as deputy clerk, made by A. J. Redburn, city clerk for said city, for the year 1853, and all the acts of said Harmon, as such deputy, are hereby legalized and declared to be valid.

SEC. 3. This act shall take effect immediately.

Approved, March 31, 1854.

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## Chap. 268

An Act to incorporate the Milton Academy.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Body corporate.

SECTION 1. That John Alexander, Ezra Goodrich, Robert F. Fraser, Abram Allen, Peter McEwan, Levi H. Bond, Godfrey H. Bishop, Jeremiah Davis and William T. Morgan, and their associates, together with such persons as may hereafter be associated with them, be, and are hereby created a body corporate and politic, with perpetual suc-



cession, under the name and title of "The Milton Academy," by which name they, and their successors, shall be ever known.

SEC. 2. Said corporation shall have power to contract **Their powers.** and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; it shall have a common seal, and may alter or renew the same at pleasure; it shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to mortgage, sell, convey, rent, or otherwise lawfully dispose of the same at pleasure.

SEC. 3. The stock of said corporation shall be divided **Stock.** into shares of twenty five dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation, in such manner as shall be prescribed by its by-laws.

SEC. 4. The business of said corporation shall be managed by a board of seven trustees, who shall be elected **Business, how managed.** by ballot, annually, by the stockholders, from their number, and who shall hold their office until their successors be duly elected. A majority of said trustees shall constitute a quorum.

SEC. 5. The trustees shall have power to elect from their **Powers of trustees.** number a president, secretary and treasurer, also to elect all other officers of the corporation; to call special meetings of the stockholders; to fill vacancies in the board of trustees; to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation in such manner as shall be directed by the stockholders; to erect and keep in repair all necessary buildings for the use of said corporation; to employ suitable [teachers] and to give direction as to the course of study and discipline to be observed in the academy, and generally to manage the business and funds of said corporation, and to make all rules, regulations and by-laws, necessary to carry into effect the power herein granted, and not inconsistent with the constitution and laws of this state.

SEC. 6. Any five of the above named persons shall have **Meetings.** power to call a meeting of said association for the purpose of electing the first board of trustees, by giving six days notice thereof, by posting up notices in at least three public places in the village known as the village of Milton, in the county of Rock, where said corporation is hereby located.

SEC. 7. At all elections and meetings of said association, **Votes.** each stockholder shall be entitled to one vote for each

share of stock owned by him: *Provided*, at meetings of the board of trustees, each trustee shall cast but one vote.

SEC. 8. There shall be no sectarian instruction in said institution; and no religious test or qualification shall be required of any trustee, officer, teacher or student of the same.

SEC. 9. This act may be altered or amended by any future legislature.

Approved, March 31, 1854.

**Chap. 269** An act to incorporate the Taycheedah and West Bend Junction Plank Road Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Corporators,  
and their pow-  
ers.

SECTION 1. That Elihu Phillips, Francis McCarthy, Napoleon Boardman, Lemuel Bishop, Nathaniel P. Tallmadge, Charles Glisse, M. J. Thomas, Gustavus Deneve, John W. Whinfield, William Stewart and Kasson Freeman, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Taycheedah and West Bend junction plank road company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving twenty-one days notice of the times and places of receiving such subscriptions, by publishing the same in one or more newspapers, if any, printed in each county through which the road may pass.

Capital stock.

SEC. 2. The capital stock of said company shall be seventy thousand dollars, in shares of twenty-five dollars each, and as soon as two hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereon actually paid in, or secured to the said company, the subscribers of such stock, with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be and they are hereby created and declared a body corporate and politic, by the name, style and title of the "Taycheedah and West Bend junction plank road company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal or mixed, in their corporate name may sue and

be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

SEC. 3. The said commissioners, or a majority of them, after said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least fourteen days notice, in one or more newspapers, if any, in each of the counties through which the road may pass, of the time and place of the meeting of stockholders for the purpose of electing not less than five directors, who shall hold their offices until their successors are elected, and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in one or more newspapers as aforesaid, to be designated by said directors, the said stockholders shall meet to elect directors: *Provided*, that until the first election of directors, the said commissioners above named, upon the subscription of two hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number as president, shall have all the powers, and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete, as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

SEC. 4. The affairs of said company shall be managed by said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by proxy duly authorized; and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the five persons having the greatest number of votes cast for directors shall be declared duly elected.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers or agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of such agents

To call meeting.

Each share of stock entitled to one vote.

Powers of directors.

at pleasure ; they shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

Directors may  
declare stock  
forfeited.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon, for failure to pay such instalments as may be called for, and also to adopt in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases discharging them from all liabilities thereafter, for or on account of the acts of said company or its officers.

To issue certi-  
ficates.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interest of the company may require ; and may issue to each stockholder a certificate or certificates for shares which he, she or they subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of the issuing of such certificate or certificates, which certificate or certificates shall be signed by the president, and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Route of road.

SEC. 8. The said company shall have power to locate and construct a single or double track road, commencing from the proposed line of the Taycheedah and Green Bay plank road, at the north end of Park street, in the village of Taycheedah, in the county of Fond du Lac, thence south along Park street, crossing the Fond du Lac and Sheboygan plank road, to the old road between the farms of Messrs. Smith and Bishop, thence along the said road, leading in a south-easterly direction to or near the farm of Mr. Ruggles, thence along the old road leading south and passing through or near the farms of Messrs. Ruggles,

Marten, Phillips, Phillips, Fisher or McCarthy, Clark or Phillips, Boardman and Strong, (about where it will cross the Waupun, Fond du Lac and Forest plank road,) Tallmadge, Macy, Thomas, Treleereen and Denevne, in the towns of Taycheedah and Empire, Fond du Lac county, thence on by the most eligible and practical route, as the directors shall decide, to the town of West Bend, in the county of Washington. The said company shall also have power to extend the said road, and to build branches therefrom whenever they may deem it expedient, and to increase the capital stock of the company to three hundred thousand dollars. The track of said road shall be constructed of plank, stone, gravel, or either, in whole or in part, each at the option of the directors, so that the same when completed, shall constitute a firm, regular and proper surface for the passage of waggon and carriages.

SEC. 9. It shall and may be lawful for said company, <sup>May enter up-</sup> their officers, engineers and agents, to enter upon any <sup>on lands.</sup> lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

SEC. 10. When the said corporation shall not agree with <sup>How damages</sup> the said owner or owners of any land, gravel, stone, or <sup>settled.</sup> other material required for the construction of said road, or for the purposes thereof, or for the compensation to be paid therefor, or where by reason of absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace to issue a warrant directed to any sheriff or constable of the said county, not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property, to meet

said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, and from them the said company, or owner or owners of the property to be valued, their agent or attorney, or either of them; and if they are not present in person or by attorney, the sheriff or constable shall for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill or judgment; whereupon the said justice and jurors shall proceed to review the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the justice of the peace; the said justice of the peace shall within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same; such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, that it shall not be lawful for any justice and jury of inquest to proceed to the valuation of any such property or material in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like

Proviso.

anner be shown that such owner or owners, are under *non compos mentis*; such service of notice may be **de** upon the guardian or trustee, under the same **re-**ctions as in the case of owners, or if there be no guar-**n** or trustee, the same shall be established by affidavit: *provided also*, that no such materials shall be taken, if **jury** shall decide that the same are essential to the **ner** or owners thereof.

**Sec. 11.** The directors shall have power, in their discre- **May construct**  
n, to construct said plank road along and upon any road **road on high-**  
**highway** now or hereafter to be laid, opened and es- **way.**  
**lished** by the proper authorities, and of such width,  
**l** in such manner as the directors may determiné:  
*provided*, that authority for such road or highway shall  
**ove** to proceed from the supervisors of the town in  
**ich** such public road or highway may be situated; and  
**s** directors may erect toll gates, and exact toll from per- **Rate of toll.**  
**s** travelling on their road, whenever one mile is finished,  
**d** upon each mile as finished, and when the whole road  
completed, not exceeding two cents per mile for every  
hicle, sled, sleigh or carriage drawn by two animals, one  
nt per mile for every additional animal; for every sled,  
igh or carriage drawn by one animal, one cent per mile;  
every score of sheep or swine, one cent per mile; and  
every score of neat cattle, four cents per mile: *Pro-*  
*vided* that persons going to and from military parade, at  
hich they are required by law to attend, and persons  
ing to and returning from funerals, shall be exempt  
om tolls. The toll-gatherer at each gate, when erected  
said road in pursuance of this act, may detain and pre-  
nt from passing such gate an animal or carriage subject  
toll, until the toll thereon is paid.

**Sec. 12.** The said directors may receive from any stock- **May receive**  
holder in said company, in lieu of money, for stock sub- **personal prop-**  
scribed by him, real or personal property to the approval **erty for stock.**  
the said board of directors, and upon the acceptance of  
ch security from said stockholders, or any of them, the  
bscription of such stockholder shall be considered as  
aid, and certificates of stock shall be issued to said  
ockholder in the same manner as if he had paid in the  
mount in money, and it shall be competent for said stock-  
holders paying their subscriptions to said stock in securi-  
ties as aforesaid, to contract and to pay to said company  
terest at the rate of twelve per centum per annum, for a  
eriod not exceeding ten years, and to execute to the said  
company, by its corporate name, bonds, mortgages or

notes for such stock, which shall be available for the use and benefit of said company, and for subsequent holders thereof, and be transferable by them in the same manner as if the same were made payable by an individual, or to their order or assigns.

**Penalty for injury to road.**

SEC. 13. If any person or persons shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by said company, or any part thereof, or any work, buildings or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county wherein the offence shall have been committed : and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment or either, at the discretion of the court.

**Penalty for evading toll.**

SEC. 14. Any person who shall wilfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal, turn out of said road, or pass any gate thereon on ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, to be recovered by summons before a justice of the peace, of the person or persons so offending, and upon conviction and judgment, by levy upon the said animal or carriage.

**May increase capital stock.**

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of the stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

**How charter forfeited.**

SEC. 16. If the said company shall not within three years from the passage of this act, commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, finish, and put in operation a single or double track plank road of full twenty feet in width, from ditch to ditch, the rights, privileges and powers of said corporation under this act, shall be null and void.



SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

SEC. 18. This act may be altered and amended by any future legislature of the State of Wisconsin.

Approved, March 31, 1854.

An Act to incorporate the Pine River Plank Road Company.

Chap. 270

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Harrison A. Eastland, Ira S. Hageltine, Orrin Hageltine, David J. Eastland, Archibald C. Eastland, Jacob Brimmell, Isaac N. Briggs, their successors and assigns, be and they are hereby constituted a body politic and corporate, to have continued succession and assigns, be and they are hereby constituted a body politic and corporate, to have continued succession and existence as such corporation for and during the space and term of eighty years, to be called and known as the Pine River Plank Road Company, and by that name to sue and be sued, plead and be impleaded, as a natural person, and shall be recognized in courts of law and equity; and they shall have power, in their corporate name, for the use of said corporation to purchase and hold sufficient real estate for the free enjoyment of all privileges herein granted; and also the power to establish such by-laws, ordinances and regulations as shall be deemed necessary for the furtherance of the object of the corporation, not inconsistent with the constitution and laws of this state.

SEC. 2. The said company are hereby authorized and empowered to locate, construct, and finally complete a plank road from a point on or near the Wisconsin River, within one mile of the west extremity of the town plat of Richland city, to a point in the village of Richland Centre, on Pine river in Richland county, touching at a point that shall be within eighty rods of the south east corner of the north east quarter of the south east quarter of section twelve, in town nine, north of range one east, in the state of Wisconsin.

SEC. 3. The capital stock of said company shall be ten thousand dollars, in shares of twenty five dollars each: *Provided*, that if the amount of the capital stock above

mentioned be not sufficient to complete said road, then the same may be increased to such a sum as may be necessary to complete the work to be subscribed for, as the president and directors of the company may order.

May open  
books for sub-  
scription.

SEC. 4. At any time after the passage of this act, the corporators herein named, or a majority of them, may open books for the subscription to the capital stock of said company, at such time and place, and upon such notice as they may deem proper; and may also make such order for the payment of instalments as they may think best for the interest of the corporation, any person or corporation may become a stockholder in the said company.

Time and  
place of meet-  
ing.

SEC. 5. When the sum of six thousand dollars of the capital stock of said company is subscribed for, a meeting of the stockholders shall be called by the above named corporation, or a majority of them, at such time and place and upon such notice as may be deemed proper, for the purpose of electing a board of directors for the said company. The election shall be conducted in such manner as the persons named in this act, or a majority, may direct; and each stockholder shall have one vote at such first election for each share of stock he may own at the time of such election; the votes may be given in all elections by person or by proxy, as may be provided by the by-laws of the company. The board of directors shall consist of five persons, shall continue in office one year from the time of their election, and until their successors are elected; and a majority of them shall constitute a quorum to do business. The said directors shall elect a president from their number, and other necessary officers, who may or may not be stockholders or directors. The stock of said company is hereby declared to be personal property, and may be transferred by assignment in such manner as the by-laws thereof may provide.

Powers of  
company.

SEC. 6. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing no unnecessary damage; and when said route shall be established and determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, and take possession of, and use said lands, not exceeding four rods in width, along the line of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, as will be ascertained, in the manner herein-after directed.

SEC. 7. When the said corporation shall not agree with the owner or owners of any land required for the construction of said road for the purchase thereof, of the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners no such purchase can be made, then, and in such cases, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of the proper county, not directly interested, requiring him to summon a jury of nine freeholders of his county, not interested in said property, to meet the said justice at some convenient point at or near the property to be valued, on a day and hour in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place aforesaid any of the persons named in the warrant do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company, and the owner or owners of said property to be valued, their agents or attorney, or either of them, and if they are not present the sheriff or constable for him, her, or them, shall each strike off two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them, an oath or affirmation, that they will faithfully and impartially value the land required for such road and damages, the owner or owners shall sustain by reason of construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to view the said land so required, and to hear the evidence of the respective parties; and the said justice shall render the same to writing, which shall be signed by the jurors, or a majority of them, and by the justice; and the said justice shall, within five days thereafter, transmit the same to the clerk of the circuit court of the proper county, who shall file the same; which inquest shall describe the boundaries of the land in question, and the damages thereof as aforesaid; and such damage, when paid, together with the costs of such inquest, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the land thus valued, with the appurtenances thereunto belonging, as if it had been conveyed by the owner or owners thereof, so long as the land thus

In case of disagreement as to value of land.

valued and taken shall be used for the track of said plank road: *Provided*, it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any land in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it may be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or that such owners cannot be found in said county.

**Toll gates.**

SEC. 8. When four miles of said road shall be completed the said company may erect toll gates, to collect the toll allowed by this act.

**Tolls.**

SEC. 9. The said company shall have power to fix and regulate the toll to be charged and paid for passing on said road: *Provided*, the said toll shall not exceed the following rates: for every vehicle drawn by one animal, two cents per mile; for every vehicle drawn by two animals, three cents per mile, and one cent per mile addition for every animal more than two; for every score of neat cattle, three cents per mile; for every score of sheep or swine, one cent per mile; for every horse, rider, or lead horse, one cent per mile; and it shall be lawful for any toll gatherer to stop and detain any person going over the said road until the toll properly chargeable shall be paid; and any person who shall use said road and refuse to pay said toll shall forfeit and pay said company, for such refusal, the sum of ten dollars, to be collected by said company in an action of debt before any justice of the peace in the proper county.

**Persons free from toll.**

SEC. 10. No toll shall be collected at any gate from any person passing to or from public worship, or a funeral, or from any person going for a physician or returning from such errand.

**Id.**

SEC. 11. Persons living near the line of the road shall have the privilege of going to and from their farms, or to haul their produce or other material necessary for the use of their farms on said road free of charge: *Provided*, the distance does not exceed one mile.

**May consolidate with other companies.**

SEC. 12. The said company may consolidate its capital stock with any other plank road company in this state.

**When franchise forfeited.**

SEC. 13. The said company shall commence four miles of said road within three years, and the balance of said road within six years, or the franchise and privileges here-by granted shall be forfeited.

SEC. 14. This act shall receive a liberal construction in all courts of justice, and be considered a public act in all

ceedings in law or equity, and shall be in force from  
after its passage.

Approved, March 31, 1854.

Act to amend an Act entitled "An Act for the preservation of Game,"  
Approved March 14th, 1853.

Chap. 271

*The people of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An Act for  
preservation of Game," approved March 14th, 1853,  
hereby amended by adding thereto the following words:  
and no person shall at any time take or catch, by means  
any trap or snare of any description, any quails, grouse,  
prairie hen or chicken, except upon his own premises." The  
first section of said above entitled act is hereby amended  
sixth line, by striking out "twelfth" and "August,"  
and inserting "fifteenth" in lieu of "twelfth," and "July"  
in lieu of "August."

SEC. 2. Every person offending against the above provi-  
sion shall be liable to the penalty prescribed in section  
three of the act to which this act is amendatory, to be re-  
covered as therein provided.

SEC. 3. This act shall take effect and be in force from  
and after its publication.

Approved, March 31, 1854.

An Act to incorporate the Menasha, Clifton, and Stockbridge Plank Road  
Company.

Chap. 272

*The people of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. Joseph Halsted, Thos. McLane, A. H. Hart, Commis-  
sion-  
Henry B. Nugent, E. B. Smith, Uriah Clifton, D. Doty, ers, and their  
able Keyes and Leonard Williams, be and they are hereby powers.  
appointed commissioners, under the direction of a majority  
of whom subscriptions may be received to the capital stock  
of the Menasha, Clifton and Stockbridge plank road com-  
pany hereby incorporated, and they may cause books to  
be opened, at such times and places as they shall direct,  
for the purpose of receiving subscription to the capital  
stock of said company, first giving thirty days notice of  
the time and place of taking such subscriptions, by pub-  
lishing the same in one or more newspapers printed in

Winnebago county, or in some other county adjoining thereto.

Capital stock.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, and as soon as one hundred shares of the capital stock shall be subscribed, and five per cent of the amount thereof actually paid in or secured to the company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic by the name and style of the Menasha, Clifton and Stockbridge plank road company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estate, real, personal or mixed, and in their corporate name may sue and be sued; may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated body may by law do.

Organization of company.

SEC. 3. The said commissioners, or a majority of them, after said one hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more newspapers in Winnebago county, or some other county adjoining thereto, of the time and place of meeting of the stockholders for the purpose of electing five directors, who shall hold their office until their successors are elected; and annually thereafter upon the anniversary of the first election, upon the notice of the place of meeting being given by the directors therein, being published in one or more newspapers, in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, that until the first directors, the said commissioners above named, upon the subscription of one hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company; and the corporate existence of said company shall be taken and held to have began and be completed as if a regular election of directors had taken place; and in case of a vacancy at any time happening in the board of directors, or in said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Affairs, how managed.

SEC. 4. The affairs of said company shall be managed by the directors who shall be stockholders, in person or by

proxies duly authorized; and in all elections, and in all discussions of all questions acted upon at any meeting of the stockholders; each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections, when the five persons having the greatest number of votes cast for directors shall be declared duly elected.

SEC. 5. A majority of said directors shall constitute a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such officers and agents as they may deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribe the duties of officers, all of which by-laws not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein as if the same formed a part of this act of incorporation. Transaction of business.

SEC. 6. The said board of directors shall have power to describe the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereof for failure to pay such instalments as may be called for, and also to accept in behalf of the company, a relinquishment of any stock selected, and execute to the person or persons relinquishing to the same valid leases, discharging them from all liability thereafter, for or on account of acts of said company or its officers. Powers of directors.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any, or persons as the executors and management of the work, and the convenience and interest of the company may require; and may issue to each stockholder a certificate or certificates for the shares he, she or they shall subscribe for, stating in the body of such certificate or certificates, for the shares he, she or they shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of issuing such certificate. Ibid.

or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of the said company, and which certificate or certificates shall be transferable in the same manner prescribed by the by-laws of said company.

**Powers.**

**SEC. 8.** The said company shall have power to locate and construct a single or double track road from the village of Menasha, by the way of Clifton, in the town of Lima, in Calumet county, to the Military road, in the town of Stockbridge, in the said county of Calumet, or to intersect with the Green Bay and Taycheedah plank road, at any point north of said town of Stockbridge, and by the most eligible and practicable route as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, at the action of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

**May take lands for construction of road.**

**SEC. 9.** It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, as will be ascertained in the manner hereinafter directed: *Provided*, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not exceeding six rods in width, and they may also cut down such trees on each side of said road as may endanger said [road] by falling or otherwise.

**In case of disagreement as to value of land.**

**SEC. 10.** When said corporation shall not agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purchase thereof, or for the compensation to be paid therefor, or when by absence, or legal incapacity of the owner or owners, no such agreement or purchase can be made thereon, and in any such case it shall be lawful for any justice of the [peace] to issue a warrant directed to any sheriff or constable of said county, not directly interested



requiring him to summon a jury of seven freeholders of said county, not interested in said property to be valued, on a day in said warrant named, not less than five or more than ten days from the date of said warrant, and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately [summon] as many [more] as may be necessary, with the persons in attendance, as jurors, to furnish a pannel of seven jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him, her or them, strike off each one of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer an oath to each of them, or affirmation, that will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said justice and persons shall proceed to view the land or material so required, and to hear the evidence of the respective parties which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon, shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days thereafter transmit the same to the clerk of the circuit court of the proper county, who shall file the same: such inquisition shall describe the property taken or to be taken, or the boundaries of land in question, and the value thereof as aforesaid, and such valuation when paid, together with the costs of said inquest, or tendered by the owner or owners, or deposited with the said court, shall entitle the said company to the state and interest in the same thus valued, as if it had been conveyed [by the] owner or owners thereof, so long as the land thus valued and taken shall be used for the tract of said plank road: *Provided*, that it shall not be lawful for any justice or jury of inquest to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such

Proviso.

valuation, or unless it shall, in like manner, be known that such owner or owners are underage, or *non compos mentis*, or absent from the county in which said land is situated, such service of notice may be made upon the guardian or trustees, and by the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, that no such materials shall be [taken,] if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, that any party considering himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property is situated, as in ordinary cases of appeal.

May construct  
road along or  
upon any  
highway.

SEC. 11. The directors shall have power in their discretion to construct said plank road along or upon any highway now or hereafter to be laid out, opened and established by the authorities, and of such width and in such manner as the said directors shall determine: *Provided*, they proceed by agreement with the supervisors of any town, or directors of any company, to take and use any part of any public highway in such town, or the road of any company, for the construction of such proposed road, and agree with such supervisor or directors by such company to such supervisors or directors thereof, every such agreement of the supervisors or directors shall be in writing and shall be filed in the town clerk's office of the town, and such compensation and damages when paid to the supervisors of such town, shall be expended by them in improving the highways of such town; and they may erect toll gates, and exact tolls from persons traveling on their road, whenever two consecutive miles are finished, or whenever the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh [or] carriage drawn by two animals; and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for every score of neat cattle, four cents per mile: *Provided*, persons going to and from military parade, at which they are required by law to attend, and persons going to and returning from funerals, shall be exempt from tolls; the toll-gatherer on each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid.

Sec. 12. The said directors may receive from any stockholders in said company, in lieu of money for the stock subscribed by him, or personal security to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholders shall be considered as paid, and certificate of stock shall be issued to said stockholder, in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscription to said [company] in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per cent. per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, or any of them, in the same manner as if the same were made payable to individuals, or to their order or assigns.

May take personal security in lieu of money.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof, or any work, building or fixtures attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company by an action of trespass, and any court having competent jurisdiction in the county where the offence shall have been committed, and shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for obstructing road.

Sec. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or pass any gate thereon on ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

Ibid.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority (in amount) of said stockholders may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

May increase capital stock.

Rights forfeited.

SMC. 16. If said corporation shall not, within three years from the passage of this act, commence the construction of said plank road, and expend one thousand dollars or more thereon, then the rights, privileges and powers of the said corporation under this act, shall be null and void.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and printed copies thereof printed by authority of the state shall be received as evidence thereof.

SEC. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

Approved, March 31, 1854.

**Chap. 273** An Act to amend an Act entitled an "Act to consolidate and amend the Act to incorporate the City of Milwaukee, and the several acts amendatory thereof."

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Amendatory.**

SECTION 1. The eleventh section of chapter ten of the act of which this is amendatory, is hereby amended so as to read as follows: Bridges shall be maintained and supported across the Milwaukee and Menomonee rivers, at the expense of the city, as follows: one from Water street, in the first ward, to the foot of Cherry street, in the second ward; one from the foot of Division street, in the first ward, to Chestnut street, in the second ward; one from the foot of Oneida street, in the first ward, to Wells street, in the fourth ward; one from the foot of Wisconsin street, in the first and third wards, to Spring street, in the fourth ward; one from the foot of Water street, in the third ward, to Ferry street, in the fifth ward; and one across Menomonee river, at the foot of West water street. All of said bridges, except the first above mentioned, shall be turn-table bridges, or shall contain draws sufficient for the passage of vessels: *Provided*, the bridge from the foot of Division street, in the first ward, to the foot of Chestnut street, in the second ward, shall not be used or extended as a railroad bridge.

**Powers of common council.**

SEC. 2. The common council shall have power by ordinance, to establish dock and wharf lines upon the banks of the Milwaukee and Menomonee rivers, restrain and prevent encroachments upon said rivers, and obstructions thereto; and to construct, alter and maintain, or cause to

be constructed, altered and maintained at the expense of the city, wharves along the banks of said rivers, where the same are not required by law to be constructed and maintained at the expense of the owners of the lots bounded on said rivers; and also to cause the said Milwaukee river to be dredged at the expense of the city, for so much thereof as is not by law chargeable to the lots bounded on said river.

SEC. 3. The common council of the city of Milwaukee, May issue bonds. is hereby authorized and empowered to issue bonds of the city in its corporate name, to be signed by the mayor, and countersigned by the clerk of said city, to an amount not exceeding fifty thousand dollars, and bearing interest at the rate of not more than seven per cent. per annum, as the common council may determine, and payable twenty years from the date of their issue; said bonds and the proceeds thereof, to be applied exclusively to pay the expense of dredging so much of the Milwaukee river, between the "Straight cut" or Centres, and the bridge at the foot of Cherry street, in the second ward, and the docking of its banks, as is not now by law chargeable to the lots and lands bounded on said river; and the common council of said city are hereby authorized and directed to levy and collect annually on all the taxable property in said city, a tax sufficient to pay the annual interest on said bonds, in the same manner as other taxes are levied and collected by law, and finally to pay the principal when it shall become due.

SEC. 4. The common council may contract with the low- May make contracts. est or best bidder, for the dredging and docking provided for in the last preceding section: *Provided*, however, they shall have power in their discretion to direct the street commissioners of the several wards to contract with the same, or other persons, for such dredging and docking as is chargeable to lots and lands, and may in all things relating to such dredging and docking, order and direct the street commissioners of the several wards, as they shall deem proper, and for the best interest of the city and the separate wards.

SEC. 5. The eighteenth section of chapter six of the act Amendatory. of which this is amendatory, is hereby so amended as to give one years time for the payment, tendering or depositing of the damages provided for in said section.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1854.

## Chap. 274

An Act to incorporate the Richland Manufacturing Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Body corpor-  
ate.

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be, and are hereby created and made a body politic and corporate, by the name and style of the "Richland Manufacturing Company," and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answer and being answered unto, defended and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal, and alter the same at pleasure; and by the same name shall be capable of purchasing, holding, and conveying any estate, real or personal, for the use and benefit of said company.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company may direct.

Powers.

SEC. 3. Said corporation shall have power to manufacture woolen and other goods, iron and other ores, flour and lumber, and to sell and dispose of the same at pleasure; may construct dams, canals, waterways and reservoirs, flumes and races; and any lands in the county of Richland which are now, or hereafter may be, owned by said company, or on the lands owned by any other person or persons, first obtaining the written consent of the owner thereto; may erect buildings, and machinery to be moved by water or other power; may, in their corporate capacity, name, make and execute to any person or persons, or body politic and corporate, any and all writings, notes, bonds, or other papers of any kind and amount, as security for the loan of any money loaned by said company, of any such person or persons, or body politic or corporate, not exceeding the sum of one hundred thousand dollars, and for any rate of interest which may be agreed upon between the parties; all of which said company is hereby authorized to do, any law of this state to the contrary notwithstanding.

Affairs, how  
managed.

SEC. 4. The property and affairs of said company shall be managed and conducted by a board of five directors, who shall be elected annually by the stockholders; each

share of stock being entitled to one vote, and may be cast by the holder thereof, or by proxy duly authorized: *Provided*, That no person shall be elected director who is not stockholder in said company: *and Provided further*, That no less than three persons shall constitute a quorum for the transaction of business; but the president and secretary may transact and manage any of the affairs and business of this company, if not inconsistent with the by-laws of the company, or objected to by one or more of the directors.

SEC. 5. The said directors shall, annually, after the election, elect one of their number president, whose duty it shall be to preside at the meeting of this board; but in case of the absence of the president, on any occasion, the directors present may elect a president pro tem. The president shall, in addition to the aforesaid duties, perform such other acts as the board may direct; said directors may convene at such time or times as they may deem proper: *Provided*, that all meetings for the transaction of business of the company shall be held at their office, which shall be located in the county of Richland. They may call special meetings of the stockholders at any time, on giving five days notice in some newspaper published in the county of Richland. They shall have power to elect a treasurer and Secretary, and such other officers as they may deem necessary for the convenient transaction of business of the company, and may remove the same at pleasure. They may fix the compensation and define the duties of officers. They shall have power to decide the time, manner, and proportion in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any interest so required at a reasonable period, not less than thirty days after the time by him appointed for the payment thereof, and may adopt such necessary by-laws for the regulation and management of the company.

SEC. 6. All election for directors shall be held at the office of the company on the first Monday of May in each year: *Provided*, That if from any cause an election shall not be held at the regular time specified thereof, the same may be held at any other time on thirty days notice being given to the stockholders, and, until such election, the directors of the preceding year shall continue to act, and the charter shall not be avoided by reason of any irregularity or want of such election: *and Provided also*, That

Election of officers.

Time and place for election of directors.

in case of a vacancy from death or resignation of any director, his place shall be filled by the board of directors.

Where books  
of capital stock  
to be kept.

SEC. 7. Books of subscription of the capital stock of said company shall be opened at the office of Nathaniel Wheeler, in the county of Richland, on the first Monday of June next, under the inspection of George Paine, Nathaniel Wheeler, and Lucas Tracy, who are hereby constituted a board of commissioners for that purpose, a majority of whom may keep said books open from day to day until at least ten thousand dollars of said stock be subscribed for. Whenever the said commissioners shall deliver to the subscribers of said stock said books, and the said subscribers shall proceed to elect the board of directors, as is provided in section four of this act.

Stockholders  
liable.

SEC. 8. The stockholders shall be liable, in their individual capacity, for all debts contracted by said company.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1854.

**Chap. 275** An Act to authorize Charles Klingholtz to construct and maintain a Dam across Manitowoc River.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Charles Klingholtz, his heirs and assigns, be and they are hereby authorized to build and maintain a dam across the Manitowoc river, on lot number one (1), of section twenty-six (26), township number nineteen (north), of range number twenty-three (23) east, in the county of Manitowoc and State of Wisconsin, and to make use of the water for driving such mill or mills, and for such other like hydraulic purposes as he may deem expedient: *Provided*, the erection of the dam shall not flow the lands of others than the said Charles Kingholtz; and, *Provided further*, that said dam shall not interfere with any dam now erected, or heretofore authorized to be erected on said stream.

SEC. 2. The said dam shall not exceed ten feet in height from low water mark, and shall be so constructed as to admit of the free passage of all descending rafts of lumber, timber and logs, which shall at all times be entitled to pass said dam free of all charge to the owner or owners of the same.



SEC. 3. This act shall take effect from and after its passage.

Approved, March 31, 1854.

An Act to authorize the Draining of Rush Lake.

Chap. 276

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. L. M. Parsons, E. L. Buttrick, George Gary, Levi Bashford and George F. Wright, their associates and assigns, are hereby authorized to construct and maintain a canal for the purpose of draining the waters of Rush Lake, the greater part of which is situated in the county of Winnebago, at such point as they shall select, and also to construct and maintain such other canals in said county as may be necessary to drain said lake. And all the right, title and interest of said state, or which said state may hereafter acquire, to all the lauds now submerged by the waters of said lake, together with the marsh and swamp lands surrounding the same, which may be redeemed by the draining thereof, is hereby relinquished to said L. M. Parsons, E. L. Buttrick, George Gary, Levi Bashford, George F. Wright, their associates and assigns, and they are hereby authorized to have, hold and enjoy the same in fee simple : *Provided*, however, they shall commence said canal within three years, and complete the same within five years from the passage of this act.

Persons named may construct and maintain a canal.

SEC. 2. The said L. M. Parsons, E. L. Buttrick, George Gary, Levi Bashford, George F. Wright, and their successors and assigns, shall have the sole and exclusive right to the use of the water power created by such canal or canals, and shall have the right to enter upon land on the line of said canal, for the purpose of locating and constructing the same, doing thereto no unnecessary damage.

Shall have exclusive rights.

SEC. 3. In case the said L. M. Parsons, E. L. Buttrick, George Gary, Levi Bashford and George F. Wright, and their associates, can not agree with the owners of any land through which said canal or canals may run, as to the amount of compensation to be paid for damages to such land, then the question of damages shall be submitted to arbitrators in the following manner each party : shall select one arbitrator, and such arbitrators shall select another, or if either party shall neglect for three days after being notified so to do by the other party, or if non-residents of this state, and are notified by mail or letter

In case of disagreement, to be left to arbitrators.

addressed to their usual place of residence to select such arbitrator, and shall neglect so to do for sixty days after mailing such letter, then, in all cases of such neglect, the circuit judge of the county in which such lands lie, shall select such arbitrators; and the said arbitrators shall proceed to make an award of the amount of compensation which shall be paid for such damages, and shall deliver a copy of their award in writing to each of the parties; and either party within ten days after receiving a copy of such award, may appeal from the same to the circuit court of such county, by giving written notice of such appeal to one of the arbitrators; and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said cause on its docket, in which the claimant of damages shall be plaintiff, and shall proceed to ascertain the amount of damages, and if the amount so found for such plaintiff shall exceed the amount of the award, judgment shall be rendered for the plaintiff with costs, and if the amount shall not exceed the amount of the award, judgment shall be rendered against such plaintiff for costs, and the award shall remain in force; and when the amount so found by such award or judgment shall be paid or tendered to the party entitled thereto, the same shall be a bar to any action or proceeding at law or in equity for such damage.

SEC. 4. This act is declared to be a public act, and shall be in force from and after its passage.

Approved, March 31, 1854.

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**Chap. 277** An Act to authorize J. E. Smith, Nelson and Harrison Burchard to keep a Ferry across Black River.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Shall have exclusive rights.

SECTION 1. J. E. Smith, Horatio Nelson and Harrison Burchard, shall have the exclusive right and privilege for the period of five years, of keeping and maintaining a ferry across Black river, at a point known as the "fork the cut off," in town 20, north of range 4, west of fourth principal meridian, to and from any land owned by said Smith, Nelson or Burchard, in said town, in county of Jackson; and no ferry shall be licensed within two miles of the point where the ferry above provided shall be established.

SEC. 2. The Ferry shall be subject to such regulations. Regulations  
and rate of  
charge.  
Other ferries are by law subject, and the proprietors  
thereof shall be entitled to receive for crossing any vehicle  
drawn by two horses, or one yoke of oxen, twenty-five  
cents; for each additional horse or ox, ten cents; for a  
man and horse twenty-five cents; for cattle and horses in  
troves, five cents each; for hogs and sheep not more than  
five cents per score; and for foot passengers, ten cents  
each.

Approved, April 1, 1854.

An Act to incorporate the Germantown Farmers' Mutual Insurance Company. Chap. 278

*The people of the State of Wisconsin represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. Philipp Dhein, jr., George Rgenfuss, John Body corpor-  
ate.  
Kissinger, Christopher Schreck, Adam Staats, and their  
associates, and all such persons as shall hereafter have prop-  
erty insured by the said company, shall be, and hereby  
are ordained, constituted and declared to be a body cor-  
porate and politic, in part and in name, by the name of  
the Germantown Farmers' Mutual Insurance Company.

SEC. 2. The said company hereby created, shall have Powers.  
power and authority to make contracts of insurance with  
any person or persons, or any body corporate or politic,  
against losses by fire of any houses, stores or other build-  
ings whatsoever, for such term or terms of time, and for  
such premium or consideration, and under such qualifica-  
tions and restrictions as may be agreed upon between the  
said corporation, and the person or persons agreeing with  
them for such insurance.

SEC. 3. Every person who shall at any time become Persons insur-  
ing to be mem-  
bers.  
interested in said company by insuring therein, and also  
his heirs, executors, administrators and assigns, continuing  
to be insured therein, as hereinafter mentioned, shall be  
deemed and taken to be members thereof for and during  
the terms specified in their respective policies, and no  
longer; and shall at all times be concluded and bound by  
the provisions of this act, and the property and concerns  
of said corporation shall be managed and conducted by a  
board of five directors, and that Philip Dhein, junior,  
George Rgenfuss, John Kissinger, Christopher Schreck,  
and Adam Staats, shall be the first directors of said corpo-  
ration, until others are chosen and no longer. The direc-

tors shall be elected on the first Monday in March in each year, at Germantown, in the county of Washington, State of Wisconsin, and in such manner as the above named board of directors, after the passage of this act, shall direct, of which election public notice shall be given by posted notice, or in newspapers, at least thirty days preceding such election, as said directors may direct; and such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the members then present, allowing one vote to each member, who shall be insured in said company.

**Directors to  
elect president**

SEC. 4. The directors hereinbefore named, shall as soon as may be after the passing of this act, and the directors to be chosen at the election to come, shall, as soon as may be thereafter, proceed to choose out of their body, one person to be president, and in the case of the death, resignation or inability to serve, of the president or any director of said corporation, such vacancy may be filled for the remainder of his term by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tem., who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

**Elections.**

SEC. 5. If it shall at any time happen that an election of directors shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that reason be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

**Policies of in-  
surance bind-  
ing and obli-  
gatory.**

SEC. 6. The policies of insurance and other contracts founded thereon, hereafter to be made or entered into by said corporation, though not under seal, if subscribed by the president, or in case of his absence, resignation or inability to act, by such officer or officers, or person or persons as may be for that purpose authorized by the act of incorporation or by-laws of said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect to all intents and purposes as if the seal of said corporation had been, or was affixed thereto. And further, all such policies and contracts may be so signed and attested, and all other business of said corporation may be conducted and carried on by committees or otherwise,

without the presence of the board of directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of said corporation.

SEC. 7. In case any person or persons insured, named in any policy or contract of insurance made by said corporation, hereby created, shall sell, or convey, or assign the property insured during the time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his, her or their own names: *Provided*, That before any loss happens he, she or they, shall obtain the consent, in writing, of said corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance.

In case of sale, assignee entitled to all benefits.

SEC. 8. It shall and may be lawful for said corporation to take and hold any real estate, bona fide mortgaged to said corporation by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgage is or shall be authorized to do, and also to purchase on sales made by virtue of any proceeding at law, or any decree or order of any court of equity, or any other legal proceedings, or otherwise receive and take any real estate in payment of or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

Powers of corporation.

SEC. 9. The said directors and such others as may be chosen by the said corporation shall be indemnified and saved harmless by the members of said corporation, in proportion to the amount of property that each and every member may have insured at and after the rates of insurance of such property by the said corporation in and for their giving out and signing policies of insurance and other lawful acts, deeds and transactions done and performed in pursuance of this act, and neither of the said directors shall be answerable for or charged with the faults, neglects or misdeeds of others of them.

Directors to be indemnified by members.

SEC. 10. Every member of said company shall be and is hereby bound to pay his proportion of the losses and expenses accruing in and to said company.

Members liable.

**Certificate of secretary prima facie evidence.**

SEC. 11. Whenever any assessment is made on any premium note given to the said company for any hazard taken by said company, or as consideration for any insurance issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company specifying such assessment and the amount due to said company on such note by means thereof, shall be taken and received as prima facie evidence thereof in all courts and places whatsoever.

**Officers committing fraud guilty of a misdemeanor.**

SEC. 12. Any person who, as secretary, deputy secretary, or clerk of said company, shall be guilty of any designed falsehood or fraud in the certificate authorized by the eleventh section of this act, shall be guilty of a misdemeanor; any person who shall personate or falsely affix the name of said secretary, deputy or clerk to any such certificate, shall be guilty of a misdemeanor; any person who shall fraudulently vote at any election of directors of said company, shall be guilty of a misdemeanor.

**Penalty.**

SEC. 13. Any persons convicted of a misdemeanor, for any offence under this act, shall be sentenced to imprisonment in the county jail, not exceeding six months, or to pay a fine not exceeding fifty dollars, or to both; such fine and imprisonment at the discretion of the court before which he or she may be convicted.

**Power of directors.**

SEC. 14. The president and directors of said company shall have power to appoint such officers and agents as they may deem necessary, prescribe their duties and require bonds for the faithful performance thereof; and may from time to time adopt such by-laws and regulations for the business of said company at a general meeting of the insured, called for that purpose, shall approve of such by-laws and regulations, not to be inconsistent with the constitution of the United States or of this state; and such by-laws shall prescribe as near as practicable, the rates of insurance on the different classes of property, and the sums to be deposited for any insurance.

**Transaction of business.**

SEC. 15. The operations and business of the Germantown Farmers' Mutual Insurance Company shall be carried on in the town of Germantown, county of Washington, State of Wisconsin; and this act shall take effect from and after its passage. The legislature of this state may at any time alter, modify or repeal this act.

Approved, April 1, 1854.

An Act to authorize certain Towns to aid in the construction of Railroads passing through them. **Chap. 279**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The respective boards of supervisors of Lake Mills, Waterloo, Milford, Aztalan, in the county of Jefferson, are hereby authorized, on the condition and for the purposes hereinafter mentioned, to issue bonds of their respective towns, for any sum of money not exceeding in the aggregate the amount in each case hereinafter specified, to wit: Lake Mills, forty thousand dollars; Waterloo, forty thousand dollars; Milford, forty thousand dollars; Aztalan, forty thousand dollars. May issue bonds.

**SEC. 2.** Such bonds shall be signed by the chairman of supervisors, and countersigned by the town clerk; shall be of the denomination of five hundred dollars, or of one thousand dollars each, shall be payable at such place as the board of supervisors issuing them, may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years from the date, with interest payable annually or semi-annually, at not exceeding eight per cent. per annum. Amount of bonds.

**SEC. 3.** Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed by the supervisors, for the benefit of the town, in the capital stock of any railroad company authorized to construct a railroad through such towns, or may be loaned to such company to be used in aid of the construction of such road. Bonds given for shares of stock.

**SEC. 4.** No such bonds shall be issued, until a majority of the legal voters of the town voting upon the question, shall have voted in favor of such issue. The election for that purpose, may be called by the supervisors of the town, or be ordered to be held on the day of the annual town meeting; but in either case, notice of the election shall be posted up in five public places, in the town; and be published in a newspaper printed in the county for thirty days preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, the railroad for which they are to be issued, and whether they are to be delivered in payment of subscription for shares of stock for the town, or to be loaned in aid of the construction of the road. At such election, Vote to be taken.

those voting in favor of the proposition shall deposit a ballot containing the words, "for the railroad;" and those voting against it, shall deposit a ballot containing the words, "against the railroad." The election shall be conducted, and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting.

Before bonds shall be issued company to give security.

SEC. 5. Before the supervisors shall issue and deliver any such bonds for either of the aforesaid purposes, the railroad company shall give security to the satisfaction of the supervisors, that the money arising from the sale of the bonds, shall be faithfully applied to the construction of such portion of the railroad as they may designate, most advantageous to their town, and that the said road shall be completed to such point, and within such time as they may deem it safe and expedient to require. And before any bonds shall be loaned to aid in the construction of any railroad, the railroad company shall, in addition, execute to the town the bonds of said such company, corresponding amount, in the time when, and place where payable, in the rate of interest, and in other respects, with the bonds issued by the town, and shall execute to the treasurer of the town, for the benefit of the town, a mortgage to secure the payment of such bonds upon such portions of their railroad as the supervisors may require not less in length than one mile for each five thousand dollars of bonds, so secured and conditioned that the railroad company will pay the principle and interest, as the same becomes due, of the bonds so executed to the town. But the payment by such company of the principal or interest of any of the bonds so issued by the town to the holders thereof, shall be deemed to be, and shall apply as payment of an equivalent amount of the bond of such company so executed to the town, or of the interest thereon. The said mortgage shall include, and be a lien upon the railroad, the right of way, the fixtures, and all the privileges and appurtenances belonging to it, whether already acquired or constructed, and at the time of the execution of such mortgage, or thereafter to be acquired or constructed; but it shall only be an equal and concurrent lien, to be satisfied proportionately with any other mortgage on such railroad for not exceeding ten thousand dollars per mile which such company may execute, whether such other mortgage shall be executed prior or subsequently to the mortgage so given to the town, such bonds and mortgages so executed to the town, shall be deposited



with the town treasurer. The supervisors may order the treasurer to deliver up the said bonds, or any portion of them, on the surrendering and cancelling of an equivalent portion of the bonds of the town so loaned.

SEC. 6. The shares of stock in such railroad company thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor; but the supervisors may sell the same, if authorized so to do by a vote of an annual town meeting of their town, and thereafter the proceeds of such sale and the interest thereof shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually, or whenever it may become necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds after deducting the dividends due to their town on its shares of stock. Stock pledged for payment.

SEC. 7. The shares of stock so subscribed for and held by any such town, shall not be in any manner affected by any mortgage, lien or incumbrance given or obtained upon such railroad, and in case such railroad, shall be sold, or in any manner disposed of to satisfy any such mortgage or lien, such shares of stock held by such town, shall remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares, in whosever hands or control such railroad may be as if no such sale or disposition had been made. Shares not to be affected by mortgage.

SEC. 8. The board of supervisors of each town holding any shares of stock shall annually, or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers and all questions. Voters.

SEC. 9. This act shall be published in the Watertown Register, and shall thereafter be in force.

Approved, April 1, 1854.

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An Act to incorporate the Village of Sheboygan Falls.

Chap. 280

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That all that certain tract of land known and described as section number thirty-six, in township number fifteen, north of range number twenty-two east, in the Boundaries, &c.

county of Sheboygan, together with so much of section twenty-five in said township as lies south of the Sheboygan and Fond du Lac plank road, shall hereafter be known and designated as the village of Sheboygan Falls; and the inhabitants residing or who may hereafter reside within said village, are hereby constituted a body corporate to be known and recognized by the name or title of "The President and Trustees of the village of Sheboygan Falls," and by said name or title they, and their successors forever, shall and may have perpetual succession, and shall be persons in law capable of suing, and being sued; pleading, and being impleaded; answering, and being answered unto; defending, and being defended in all courts and places, and in all suits whatsoever; and in all suits against said corporation, the first process shall be by summons, and an attested copy thereof shall be served upon the president or clerk of the corporation at least ten days previous to the return day thereof.

Wards.

SEC. 2. The village of Sheboygan Falls shall consist of one ward, and all property within the limits of said village shall and the same is hereby forever exempted from paying a road tax in any town or township within the state.

Where first  
election to be  
held.

SEC. 3. It shall be lawful for the qualified electors of said village to meet at the district school house in said village on the first Monday of May, A. D. 1854, and on the second Tuesday in April annually thereafter at such place as the board of trustees shall appoint, and then and there proceed by a plurality of votes to elect by ballot a president who shall be ex officio a trustee, four trustees and a treasurer, who shall hold their offices one year and until their successors are elected and qualified; and no person shall be eligible to the office of president or trustee unless he is an elector and freeholder in said village; and at all elections for officers under this act, subsequent to the first election, no person shall be a qualified elector unless he shall have paid his poll tax.

Election of  
officers.

SEC. 4. At the first meeting of the trustees after their election they shall by ballot elect a clerk and a marshal, who may hold their offices for one year, and until their successors are elected and qualified, being subject to removal at any time, a majority of the trustees voting for such removal; and said marshal shall have the same powers and receive the same compensation as the constables elected in towns.

How to be  
conducted.

SEC. 5. At the first election to be holden under this act, the electors who shall be present shall choose viva voce

two judges and a clerk of said election, who shall each take an oath or make affirmation, faithfully to discharge the duties required of them by this act; and it shall be the duty of the clerk of election to make out a full statement of the election to be returned to the board of trustees at their first meeting, and to notify within three days after the election all persons elected under this act of their election respectively; and it shall be the duty of the president elect to call a meeting of the trustees elect, to assemble within ten days after the election at such time and place as he may designate; and at all subsequent elections the trustees, or any two of them, shall be judges of the election, and at all elections held under this act the polls shall be open between the hours of nine and ten o'clock in the forenoon, and closed at four o'clock in the afternoon of said day; and at the close of the polls the votes shall be publicly counted, and a true statement of the result proclaimed to the electors present by one of the judges; and it shall be the duty of the clerk, appointed by the judges of election, to make out and return as soon as may be to the clerk of the board of trustees a full and true statement of the election, and the clerk of the board of trustees shall make a true entry of the election and within three days after such election notify the persons elected of their election respectively; and in case any two or more persons shall receive the same, and the highest number of votes for any office herein named at any election, it shall be decided by lot who of such persons shall fill such office; and it shall be the duty of the clerk to publish a full statement of all elections held under this act within ten days thereafter, and also to publish notice of each and every annual election, at least ten days previous to the days of holding such election by posting up notices in at least three public places in said village, or by publication in a newspaper published in said village, as the board of trustees may direct.

SEC. 6. In case of a vacancy or vacancies in any of the offices herein named, it shall be the duty of the board of trustees to fill the same by appointment: *Provided*, That the office of president shall be filled by a trustee, and that the office of trustee shall be filled by a person eligible to such office.

In case of vacancies, how filled.

SEC. 7. Every officer elected under this act, or appointed by virtue or in pursuance of the provisions thereof, shall, before he enters upon the duties of his office, take or subscribe an oath or affirmation in the following form, which said oath or affirmation shall be filed in the office of the

Officers elected must take affidavit.

clerk of the board of trustees: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and faithfully discharge the duties of \_\_\_\_\_, of the village of Sheboygan Falls, according to the best of my ability." And the treasurer, clerk and marshal before they enter upon the duties of their offices shall each execute and deliver a bond to the president and trustees in such sum and with such conditions as a majority of said trustees shall direct.

President to  
preside over  
meetings.

SEC. 8. It shall be the duty of the president to preside at all meetings of the trustees, but he shall have none other than a casting vote; and to see that the by laws and ordinances are duly observed and enforced.

Duty of clerk.

SEC. 9. It shall be the duty of the clerk to record the return made to the board of trustees of the elections had under this act; to keep a record of the doings of the board of trustees, and of the by-laws, ordinances and regulations, and also of the doings and votes of the electors of said village at their annual and other elections, and to keep on file and preserve all papers which may be ordered on file by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the board of trustees, certified by him, under the corporate seal, shall be evidence in all courts, of the contents of the same.

Duty of treasurer.

SEC. 10. The treasurer of said village shall receive all money which may or shall be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and give the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrants under the corporate seal, signed by the president by order of the trustees, and countersigned by the clerk, who shall keep a register thereof; and every such warrant shall set forth for what purpose the amount specified therein is to be paid, and the said treasurer shall pay out the funds of the corporation in no other way whatever; he shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which said book shall be and remain the property of the corporation; and in said book he shall note the time when and the source from whence the said sums arose respectively; and in the same book he shall duly enter an account of all sums paid out, and said book shall at all reasonable times be open to the

spection of the voters of said village ; and said treasurer shall annually, and as often as they shall require, render to the board of trustees a minute account of all his receipts and disbursements.

SEC. 11. The president and trustees shall have the following powers, to wit: Powers of president and trustees.

1st. To have a common seal, and alter the same at pleasure.

2nd. To purchase, receive and possess, and also to sell and convey any estate real or personal for the use and benefit of the corporation.

3rd. To make, open and keep in repair, grade, improve or discontinue streets, avenues, lanes, alleys, sewers and sidewalks ; to keep them free from incumbrances and protect them from injury ; and for the purpose of making, maintaining and repairing sidewalks, and for opening, making, grading and improving streets, avenues, lanes, alleys or sewers, to levy and collect from the owner or owners of the land upon which such improvement may or shall be made, a special tax to defray the expense of the same: *Provided*, the owners of two-thirds of said land shall have, by petition to the board of trustees, asked for such improvement.

4th. To organize a fire company or companies, a hook and ladder company or companies, and to regulate their government, and the time and manner of their exercise ; to provide all necessary apparatus for the extinguishment of fires ; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared appurtenances to the real estate, and exempt from seizure, distress, or sale in any manner ; and if the owner shall neglect or refuse to procure and keep suitable ladders or fire buckets, or both, after reasonable notice, the board of trustees may procure and deliver the same to him, and in default of payment therefor, may bring an action of debt against said owner, and be entitled to recover in such action the value of such ladders or fire buckets, or both, with costs of suit.

5th. To regulate the storage of gunpowder and other dangerous and hazardous materials.

6th. To severally enter into or appoint one or more officers to enter into and examine at all reasonable times all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover if they are in a dangerous condition ; and to cause such as may be deemed in a dangerous condition to be put in a safe condition.

7th. To regulate the manner of putting up stoves and stove pipes ; and to compel the owners of houses

and buildings to have scuttles on the roof of said houses and buildings if deemed necessary.

8th. To prevent fires and the use of fire-works and fire-arms within the limits of said village, or within such parts thereof as they may think proper.

9th. To compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down or raze any building or buildings in the vicinity of a fire, which the trustees, or any two of them, who shall be present at such fire, shall direct to be pulled or broken down, as subject for the purpose to prevent the communication of such fire to other buildings; and the said trustees who may or shall direct the pulling or breaking down, or razing of any building for the purpose aforesaid, shall determine the amount of compensation, if any, to be paid to the owner or owners of such building or buildings; and such compensation shall be paid out of the funds of said village, and the trustees of said village shall have the power to collect a special tax on the property in said village, sufficient to pay the same, any thing in this act contained to the contrary notwithstanding.

10th. To construct and preserve reservoirs, pumps, wells, and other water works, and to regulate the use of the same.

11th. To establish and enforce for the prevention and extinguishment of fires, such prudential measures not conflicting with the constitution and laws of the state, as they shall deem proper.

12th. To prevent, abate or remove nuisances.

13th. To clear out and remove from the river and other water within said village, all vegetable and other matter which may or shall have been deposited or have accumulated in the same, and to prevent such deposits or accumulations.

14th. To establish and enforce such measures not conflicting with the constitution of this state for the preservation and protection of the public health, as they shall deem proper.

15th. To suppress disorderly, lewd, or gaming houses, and to seize and destroy devices for gambling.

16th. To restrain the running at large of cattle, hogs, and other animals; and to establish a pound or pounds, and appoint pound masters and fence viewers, and prescribe their powers and duties.

17th. To establish and regulate markets, and regulate or restrain sales in the streets; to establish and regulate a public scale, and to appoint a weigher to attend the same;

and to appoint and regulate the place and manner of selling hay and other gross commodities.

18th. To protect trees and monuments in said village.

19th. To purchase, receive, hold and own, and lay out grave yards or cemeteries, and regulate the burial of the dead; and to make and enforce such regulations or ordinances relating to the same as they shall deem proper.

20th. To call regular and special meetings of the voters of said village.

21st. To prescribe the compensation of all officers of said village, except their own, and except as herein provided.

22nd. To levy and collect taxes on all such property as now or shall hereafter be subject to town and county taxes: *Provided*, that all taxes levied and collected in one year for ordinary corporation purposes, shall not exceed one per centum on the property assessed, and such taxes shall be levied on the assessment roll as made by the assessors of the town of Sheboygan Falls, in the month of May annually; and *provided* further, that all lands lying and being within said village, used for farming purposes and not laid out into lots and blocks, a plat whereof shall have been duly recorded, shall be subject only to such amount of taxes as said lands would have been subject to, had not this act been passed.

23rd. To tax every male resident of said village above the age of twenty-one years, and under the age of fifty years, two days labor, or in lieu thereof, a sum not exceeding two dollars in money, to be appropriated to improving the roads and streets of said village, under the directions of such person or persons as they may appoint.

24th. To appoint a board of health with power to use such means, and establish and enforce such regulations as they may deem proper, to prevent the taking or spreading of any infectious, noxious, contagious or pestilential disease or epidemic within said village; and to establish a hospital or asylum for the sick, and remove any person who may be affected with any such disease or epidemic to such hospital or asylum.

25th. To license and regulate groceries, victualing houses, taverns, shows, public exhibitions, and theatrical and other entertainments, and also the sale of strong or spirituous liquors within said village, and to fix such rate of license as they shall deem proper: *Provided, however*, That neither the board of trustees, nor any other board of ex-

cise, shall have power to grant licenses for the sale of strong or spirituous liquors or wines, or any other intoxicating liquors, or any mixtures thereof, within said village, to be drank in any grocery store or victualing house, nor in any tavern, unless such tavern shall have suitable accommodations for travellers; and all sums received for such licenses shall be paid into the treasury of the corporation to be used for corporation purposes.

26th. To make, pass, ordain and establish such by-laws ordinances and regulations not repugnant to the constitution and laws of the United States and the constitution and laws of this state, for the purpose of carrying into effect the provisions of this act as they may deem proper; but no such by-laws, ordinance or regulation shall take effect or be in force until the same shall have been published at least three weeks successively by publication in some newspaper published in said village, or by being posted up for at least the same length of time, in three or more public places in said village, and to amend or repeal the same at pleasure.

**Board of trustees have power to establish fines,**

SEC. 12. The board of trustees in order to enforce the observance and punish the breach of any by-laws, ordinance or regulation by them adopted agreeably to the provisions of this act, shall have power to order and establish such reasonable fines, forfeitures and penalties for the breach of the same, as they shall deem proper, not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, in the name and for the use of the corporation: and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture, and the defendant may plead the general issue, and give the special matters in evidence; and all penalties and forfeitures when collected shall be paid to the treasurer for the use of said village: *Provided, however,* that the said board of trustees shall have power to remit such fines, or forfeitures or penalties, or any part thereof.

**Affidavit of printer.**

SEC. 13. The affidavit of the printer or publisher of the publication of any by-law, ordinance or regulation, or the affidavit of the clerk or marshal, of the putting up notices, by-laws, ordinances or regulations, as required by this act, shall be sufficient proof in all courts and places that such notices, by-laws, ordinances or regulations were properly published or posted up.

**Transaction of business.**

SEC. 14. Any three of said trustees shall constitute a board for the transaction of all business, but no by-law or



ordinance shall pass or be of force, unless at least three of said trustees concur therein.

SEC. 15. No person otherwise qualified, shall be deemed an incompetent judge, justice, witness or juror, by reason of his being an inhabitant, elector or freeholder in said village, in any action in which the corporation is a party, or in anywise interested therein. Persons qualified to act as judge, &c.

SEC. 16. The board of trustees shall each year before annual election, publish a full and correct statement in detail, of the receipts and expenditures of the corporation for the preceding year. Annual statement of receipts and expenditures.

SEC. 17. The clerk of the corporation shall annually in the month of June, upon the completion of the same, procure from the assessors of the town of Sheboygan Falls, a copy of the assessment roll of all property liable to taxation within the limits of said village, certified by one or more of the assessors as a true copy thereof, and lay the same before the trustees of said village, which copy so certified shall be the assessment roll for said corporation, for the year in which the same shall have been made: *Provided*, that the said trustee shall have power to correct errors and omissions in the same. Clerk must annually make out assessment roll of property.

SEC. 18. When the board of trustees shall have determined the rate per centum to be taxed on the assessed value of property as contained in the assessment roll as aforesaid, it shall be the duty of the clerk, in the month of June, to make out in accordance with such determination, a schedule of all property as contained in said assessment roll, together with the names of the owners thereof, when known, annexing to each lot or other kind of property, the amount of tax which shall be chargeable on the same, agreeable to the assessment as returned, and the rate per cent of the taxation as fixed by the board of trustees, which schedule shall be called the tax list, and shall be recorded in a book kept by him for that purpose; and said tax list, or the record thereof, shall either of them be conclusive evidence of the amount of corporation taxes assessed for the current year in which the same shall be made out. Must also make out the amount of tax chargeable on same.

SEC. 19. It shall be the duty of the clerk to complete the tax list as aforesaid, and deliver the same to the treasurer in the month of June, and make a record of such delivery in the book where such list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax assessed on real estate shall be a lien on the same, from the date of assessment until the same shall Must complete tax list and deliver same to treasurer.

be paid, together with all penalties and costs which may accrue thereon agreeably to the provisions of this act.

Treasurer to give public notice for collection of taxes.

SEC. 20. Upon the receipt of the tax as aforesaid, it shall be the duty of the treasurer to give public notice in a newspaper published in said village, or by posting up notice in three or more public places in said village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office, for the term of two months next ensuing the date of such notice, and all persons paying taxes during said time, shall be entitled to a discount of five per centum upon the amount paid.

In case of non-payment, treasurer may distress.

SEC. 21. If the taxes are not paid to the treasurer within said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days notice of the time and place of such sale, by posting up notices of the same in three or more public places in said village.

May sell land.

SEC. 22. In case no goods or chattels shall be found, of which to collect the taxes levied on any lot or lots, or other piece of land, it shall be the duty of the treasurer to make out a general advertisement, stating that all lots, or other pieces of land upon which taxes have not been paid, will be sold by him at a certain time and place to be therein mentioned, for the purpose of paying the taxes which have been assessed thereon, together with all costs and other liabilities which may accrue, by advertisement and sale agreeably to this act, and said advertisement shall be published at least three weeks successively, in a newspaper published in said village, or posted up for the same length of time in at least three public places in said village.

Time & place of sale.

SEC. 23. On the day, and at the time and place mentioned in said notice, the treasurer shall commence the sale of said lots and lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest and charges assessed and charged thereon agreeably to this act, and the treasurer shall give the purchaser or purchasers of any such lots or lands, a certificate describing the lots or lands purchased, stating the sum paid therefor, including the fees, and the time when the purchaser will be entitled to a deed for the same; and if the person claiming the title to the lots or lands so sold and described in such certificate, shall not within three years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty-five per centum per annum from

the date of such certificate, the treasurer shall at the expiration of said three years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall rest in the person or persons to whom the same shall be given, an estate in *allodium*, and the said conveyance shall be *prima facie* evidence that the sale was regular according to the provisions of this act; and any such conveyance to be executed by the treasurer under his hand and the seal of the corporation, in the name and on behalf of the village of Sheboygan Falls, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect as a deed regularly executed, acknowledged and delivered by the parties, may be given in evidence and recorded.

SEC. 24. In all cases before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof for three months, in a newspaper published in said village, or by posting up three or more copies of such notice in public places in said village, stating therein that all such lots or lands will be forfeited if the taxes and charges upon the same are not paid before the day therein mentioned.

Treasurer shall  
advertise sale.

SEC. 25. All lots or lands which shall be advertised for sale for the non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised for the first advertisement, and for each lot or piece of land which shall be sold as aforesaid, it shall be lawful for the treasurer to demand, and receive the following fees, to wit:

Lands subject  
to charge for  
advertising  
and fees.

For each certificate to be given to a purchaser of any lot or piece of land at such sale, twelve and a half cents.

For certifying the amount necessary to redeem any lot or piece of land, twelve and a half cents.

For each conveyance executed in pursuance of this act, no dollar. And the said fees shall be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land, shall be ten cents for each lot or parcel.

SEC. 26. That if any person who shall purchase any lot or piece of land sold by virtue of the provisions of this act, shall pay any tax returned subsequent to such purchase on such lot or piece of land, the person who shall redeem the same, shall pay to the treasurer the amount of tax, with interest at the rate of twenty-five per centum per annum for the use of such purchase.

Persons re-  
deeming to  
pay certain  
sums.

SEC. 27. This act shall be deemed a public act, and may be amended or repealed by the legislature of the State of Wisconsin, and shall take effect immediately.

Approved, April 1, 1854.

## Chap. 281

An Act to incorporate the Milwaukee Hydraulic Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Body corporate.

SECTION 1. Charles E. Jenkins, James Ludington, Joseph W. Haskin, William P. Young, Duncan C. Reed, Asahel Finch, junior, and James H. Rogers, and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the Milwaukee Hydraulic Company, with perpetual succession, and by that name and style shall be capable in law of taking, purchasing, holding, leasing and conveying estates and property, both real and personal, so far as the same may be necessary for the purpose hereinafter mentioned, and no further ; and in their corporate name may sue and be sued ; may have a common seal, which they may alter or renew at pleasure ; may contract and be contracted with, and may have and exercise all the powers, rights, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as the same are hereafter set forth.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed four hundred thousand dollars, to be divided into shares of one hundred dollars each, and transferable in such manner as shall be prescribed in the by-laws of said company.

Election of officers.

SEC. 3. Charles E. Jenkins, James Ludington, Joseph W. Haskins, William P. Young, Duncan C. Reed, Asahel Finch, jr., and James H. Rogers shall be the first directors of said company, and at their first meeting they may elect one of their number to be president ; they may also elect such other officers as they may deem essential or necessary for the management of the company ; and a majority of the said directors shall constitute a quorum for the transaction of business ; and said first meeting shall be held at such time and place as a majority of said directors may agree upon, such agreement, however, to be in writing, and signed by them respectively.

SEC. 4. The directors of the said company may receive subscriptions to the capital stock of said company, at such times, and in such manner and under such regulations as they may adopt for that purpose; and may commence business whenever one thousand shares of the capital stock shall have been subscribed.

May receive  
subscriptions  
to capital  
stock.

SEC. 5. To continue the succession of president and directors, five directors shall be chosen by the stockholders annually; and each share of stock shall entitle the holder thereof to one vote; and the vote thereon may be cast by the holder in person or by proxy. The first election may be held at such time and place as the said directors shall have designated, by giving public notice thereof in one of the daily newspapers printed and published in the city of Milwaukee for at least ten days prior thereto; and the persons thus chosen shall be directors of said company, and shall hold their office for one year, and until others are chosen in their stead; the board of directors shall choose any one of their number president of the company, who shall hold his office one year, and until his successor is elected; subsequently meetings for the election of directors shall be held at such time in each year as shall be prescribed in the by-laws of said company, and notice hereof shall be given in such manner as may be provided in the by-laws; no person shall be competent to act as a director who is not a stockholder; and if any vacancy shall occur, by death, resignation or otherwise, in the office of president or directors, such vacancy may be filled by the directors of said company or a majority of them; and they shall have power to make and establish such by-laws, rules, orders and regulations as may be necessary for the management of the affairs of said company, to make such covenants, contracts and agreements with any person or persons, copartnership or body politic whatever, as the execution and management of the works hereinafter specified, or the convenience and interests of the company may require.

When and  
where election  
to be held.

SEC. 6. The said company shall have power, and exercise the right and privilege of building water-works in the city of Milwaukee for supplying water to said city and its inhabitants, to be taken from Lake Michigan, and for making all excavations, and completing such other works as may be necessary to convey water in pipes through all the streets, alleys, highways and commons now in said city, or that may be added thereto; also for crossing under any river or stream of water now or hereafter to be brought

Powers of  
company.

within the limits of said city, and shall have all such other powers incident to corporations as may be necessary to carry out the object of this act.

**Elections can  
be held at any  
time by giving  
ten days notice**

SEC. 7. If from any cause, an election for directors shall not be held at the time fixed therefor, the same may be held at any other time, upon giving ten days notice, in manner as hereinbefore prescribed; and this charter shall not be voided by reason of any irregularity or want of such election.

**May borrow  
money.**

SEC. 8. The said company are hereby authorized in their corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind and make, and execute in their corporate name all necessary writings, notes, bonds or other papers, and make, execute and deliver such securities by way of mortgages or otherwise, in amount and kind as may be deemed expedient by said company, for all purposes necessary in carrying out the objects of said company; and the official acts of said company are hereby declared binding in law and equity upon said corporation, and all other parties to such contracts.

**Persons injur-  
ing works  
guilty of a  
misdemeanor.**

SEC. 9. If any person shall wilfully and knowingly break, injure or destroy, or cause to be done any act whatever, and thereby injure or destroy any building, machinery, pipes, or structures of any kind, or any thing appertaining to the works of said company, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine or imprisonment, or either, at the discretion of the court; and provided such criminal prosecution shall not in any way impair the right of action of said company for damages by a civil suit hereby authorized to be brought for any such damage, or injury as aforesaid, by and in the name of said company, in any court of competent jurisdiction.

SEC. 10. This act shall be in force from and after its passage, and shall be favorably construed to effect the purposes thereby intended; and the same is hereby declared to be a public act, and copies thereof, printed by authority of the State, shall be received as evidence thereof.

Approved, April 1, 1854.

An Act to authorize the officers of Joint School District Number Three, of the Town of Beaver Dam, to borrow Money for the use of said District. **Chap. 282**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The officers of school district number three, of the town of Beaver Dam, in the county of Dodge, are hereby authorized to borrow for the use of said district, any sum or sums of money not exceeding four thousand dollars, and to make, in the name of said district, any pledge or security binding said district and the property thereof, that they may deem proper and advisable, to secure they payment of such money borrowed, and the interest thereon.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

An Act for the relief of George E. Scott.

**Chap. 283**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The commissioners of school and university lands are hereby authorized and required to issue unto George E. Scott a duplicate certificate of lot number 8, in township number 20, north of range number 17 east, in the north west quarter of section number 32, of the university lands, at the price of four dollars per acre, whenever the said George E. Scott shall make application for the same: *Provided*, such application shall be made on or before the first day of July next.

SEC. 2. Whenever application shall be made as provided in the preceding section of this act, it shall be the duty of the said commissioners to cancel the certificate of sale heretofore issued for said lands, and credit the interest already paid thereon respectively, as interest paid on said land at the price of four dollars per acre, dating from the time of the original purchase.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

**Chap. 284**

An Act to change the Name of Artemas Ewell George.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The name of Artemas Ewell George, of the city of Racine, in the county of Racine, is hereby changed to that of Ewell George Munn, and by the last mentioned name he shall be hereafter known and recognized.

SEC. 2. The said Ewell George Munn shall be known as the adopted son and heir of R. J. Munn, of the said city of Racine, and entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintenance, as fully and effectually, and in the same manner as he might or should do if he were the legitimate child of the said R. J. Munn.

SEC. 3. This act shall not take effect or be in force until the said R. J. Munn shall assent thereto in writing, under his hand seal, and record the same in the office of Register of Deeds in and for the county of Racine.

Approved, April 1, 1854.

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**Chap. 285** An Act to vacate a part of Sumner street, in the Village of Ripon, in the County of Fond du Lac.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That so much of Sumner street, in Lodge addition, in the vilage of Ripon, Fond du Lac county, as extends from King street to Centre street, in said village, is, and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force when published.

Approved, April 1, 1854.

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**Chap. 286** An Act to amend an Act entitled an Act to amend Chapter 93 of the Private and Local Laws of 1853. Approved March 19, 1853, relating to Janesville City Charter.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The last sentence of section four, of an act entitled an act to amend chapter 93 of the private and local laws of 1853, is hereby amended so as to read—"not



all the said farming or gardening lands be subject to any other than before mentioned, for any city purpose whatever."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

An Act to Incorporate the Veta Grande Mining Company.

Chap. 287

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. David W. Kyle, Marvin Hollister, Charles Bellows, James H. Knowlton, and such other persons may hereafter associate themselves as stockholders with them, their successors and assigns, are hereby created a body corporate by the name of the "Veta Grande Mining Company," with perpetual succession, and by that name shall be capable of, and have power to contract and be contracted with, sue and be sued, defend and be defended, answer and be answered, plead and be impleaded in all courts and places; of purchasing, holding, selling, letting, and conveying estates and property, personal, real and mixed, for the purpose of mining and manufacturing ores and metals, and for the carrying on, extension, management and usefulness of the business of said company, and for the good government of the same; and may have a common seal, and alter and renew the same at pleasure.

Body corporate, and their powers.

Sec. 2. The capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The affairs and business of said company shall be managed and conducted by a board of directors, the number whereof shall not be less than three nor more than seven, and the number thereof shall in any event be an odd number; said board of directors shall be elected by ballot; and for the purpose of electing the first directors, the persons named in the preceding section, or a majority of them, shall give ten days notice of the time and place by them appointed for the stockholders of said company to meet for the purpose of electing directors. The directors of said company shall appoint one of their number president; and said board shall also appoint such other officers, and such agents and attorneys as they shall think advisable for the due transaction of the business of said company. On the first Monday in the month of September in each year after the first election of

Capital stock.

directors, the stockholders of said company shall meet in the village of Shullsburg, in the the county of Lafayette, in this state, (until otherwise directed by the stockholders,) for the purpose of electing directors. No person shall be elected a director of said company who is not a stockholder thereof. Each stockholder shall be entitled to as many votes as he owns shares of stock.

Transaction of  
business

SEC. 3. A majority of said board of directors shall constitute a quorum for the transaction of business. Said board shall have power in addition to the powers hereinbefore prescribed, to make and prescribe such by-laws, rules, orders and regulations respecting the management, control and disposition of the business, stock, property and affairs of said company as by said directors may be deemed proper; and may make such contracts, covenants and agreements with any person or persons, co-partnerships or bodies corporate, as the management and interests of said company may require.

Further pow-  
ers.

SEC. 4. Said company shall have power to manufacture ores and metals, to mine and carry on, and prosecute the business of mining for ores and metals on and in lands owned by, and on and in lands whereon and wherein the said company have, or acquire a right to mine and carry on, or prosecute mining in this state, and in the county of Jo Daviess, in the state of Illinois. The principal business office of said company shall be kept in the village of Shullsburg aforesaid.

Commission-  
ers.

SEC. 5. David W. Kyle, Marvin Hollister and James H. Knowlton, are hereby appointed commissioners to receive and obtain subscriptions to the capital stock of said company, and for that purpose shall cause books to be opened in such manner as they may deem advisable; said commission shall cease and be determined upon the first election of directors; and all subscriptions thereafter to the capital stock of said company, shall be made under the direction of the board of directors.

SEC. 6. This act shall take effect and be in force from and after the passage thereof.

Approved, April 1, 1854.

Act to authorize certain Counties, Towns, and Villages, to aid in the construction of the Green Bay, Milwaukee and Chicago Railroad. **Chap. 288**

*The people of the State of Wisconsin, represented in state and Assembly, do enact as follows:*

**SECTION 1.** It shall be lawful for any county through any portion of which any part of said railroad is chartered, or all run, or any town, city or village in such county now hereafter to be organized or incorporated, to issue and deliver to the Green Bay, Milwaukee and Chicago railroad company its bonds, payable to such person or persons, trustees or corporation, at such time, for such sum or sums, such rate of interest, transferable by general or special endorsement or by delivery, and in such manner as may be agreed upon by and between the directors of said railroad company and the proper officers of said county, town, incorporated city or village, as hereinafter provided, and receive in exchange for such bonds the stock or bonds of said railroad company, in such manner as shall be agreed upon by and between the directors of said railroad company and the proper officers of said county, town, or incorporated city or village as hereinafter provided; but such bonds shall be issued or delivered to said company, by any such county, town, or incorporated city, or village, unless a majority of the legal voters of such county, town, incorporated city or village, voting on the question shall have voted in favor of such issue, in the manner herein prescribed: *Provided*, that the provisions of this act shall not extend to the counties of Milwaukee, Racine, Menasha, Dodge, Columbia, or Fond du Lac, or any town or city therein.

County may issue and deliver its bonds to Green Bay, Milwaukee, and Chicago railroad company.

Majority of legal voters of other counties requisite.

**SEC. 2.** Whenever the said railroad company shall desire to exchange any amount of its stock or bonds for the bonds of any such county, town, or incorporated city, or village, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president and secretary of said railroad company, and sealed with the common seal of said company; which proposition shall contain a distinct statement of the amount of the stock or bonds of said company, which the said company propose to issue to such county, town, or incorporated city or village, the time when said bonds shall be payable, the amount for which they shall respectively be issued, the rate of interest which they bear, whether said bonds are

Company may exchange its stock or bonds for the bonds of other counties, &c.

Notice of proposition to be published.

first mortgage bonds or second mortgage bonds; and it shall also contain a distinct statement of the amount of the bonds of such county, town, or incorporated city or village, which said company propose to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee, or corporation, to whom they shall be payable, the mode of transfer, the amount of such bond and the aggregate amount, the rate of interest, and the time of payment. Upon receiving such definite proposition the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, shall immediately publish, or cause to be published, in the same manner that notices of general or special elections are by law required to be published in counties, towns, incorporated cities, or villages, a notice of an election to be held by the legal voters of such county, town, incorporated city, or village, at the usual place or places of holding elections in such county, town, incorporated city, or village, and at such time as he may designate, which shall not be less than twenty, nor more than sixty days from the date of such notice; which notice shall contain a statement of the proposition made by said railroad company with reference to the exchange of its stock or bonds for the bonds of such county, town, incorporated city, or village, and shall call upon the voters to deposit a ballot upon which shall be written or printed the words "For the railroad proposition," or the words "Against the railroad proposition:" *Provided*, That no person shall have the right to vote on said question who is not a real estate owner in said county, town, city, or village, or been assessed therein at the preceding assessment.

Proviso.

Election, how to be conducted.

SEC. 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, cities, or villages, are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed, and returned, in the same manner as the votes at any such general election; and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, city, or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number of the railroad proposition, and of the number against the railroad proposition.

Votes for railroad proposition.

SEC. 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city, or village, in pursuance

of the provisions of this act, shall, as indicated by the official returns of any such election, vote "For the railroad proposition," it shall be the duty of the proper officers in every such county, town, incorporated city, or village, upon receiving from the directors of said railroad company, stock or bonds, in conformity with the proposition of said railroad company, to issue and deliver to the directors of said railroad company, the bonds of such county, town, incorporated city, or village, in conformity with such proposition.

SEC. 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city or village mentioned in this act, are hereby declared to be chairman of the county board of supervisors, and the clerk of the board of supervisors in each county, the chairman of the board of supervisors, and town clerk, in each town, or the mayor and city clerk of each incorporated city, and the president and the clerk of each incorporated village, and all the bonds issued by any of the said counties, towns, incorporated cities or villages, shall be signed by the proper officers as aforesaid, of the said counties, towns, cities and villages, under their corporate seal respectively. And all bonds issued by any such town shall be signed by the proper officers of such town, and have annexed to them the official certificate of the clerk of the board of supervisors under his official seal, that they are such officers, and their signatures are genuine.

Who declared  
to be chairman  
of county  
board of su-  
pervisors, &c.

SEC. 6. Every county, town, incorporated city and village, which by the provisions of this act is authorized to issue any bonds, shall be severally liable in law faithfully, promptly and at maturity, to pay and discharge the principal and interest due upon every such bond, and the separate faith of every county, town, incorporated city or village, is pledged for the prompt discharge of every such liability, and all the liabilities which by the principles of the common law attach to municipal corporations with reference to their corporate liabilities, are hereby declared to be in full force with reference to the liability of any county, town, incorporated city or village, for the payment of the principal and interest of any bond by them, or any of them, issued in pursuance of the provisions of this act.

Every county,  
&c., issuing  
bonds, to be  
liable for pay-  
ment.

SEC. 7. Whenever it shall be agreed by any such county, town, incorporated city or village, to loan its credit, and use the stock of said company in lieu of other securities, it

May loan its  
credit.

shall be the duty of the proper officers of such county, town, incorporated city or village, and they severally are hereby authorized to subscribe for their county, town, incorporated city or village respectively, shares to the capital stock of said company to the amount of the credit agreed to be loaned, and to issue the bonds of said county, town, incorporated city or village, to pay such shares of stock ; such bonds made payable not less than five nor more than twenty years, with interest, payable semi-annually in the city of New York, not exceeding seven per cent.

Company to  
guarantee pay-  
ment.

SEC. 8. The said company shall guarantee the payment of the principal and interest of such bonds and the shares of stock in said company thus taken by any county, town, incorporated city or village ; and all dividends arising from the same are hereby irrevocably pledged for the payment of the interest and principal of said bonds.

Election.

SEC. 9. The chairman of the county and town board of supervisors, the mayor and president of the incorporated city or village may attend the annual or special meetings of the stockholders of said company for the election of directors of said company, and shall be entitled to cast votes the same as other stockholders in said company, according to the amount of stock of such county, town, city or village, or by some person or persons in their behalf thereunto authorized.

Dividends  
which may ac-  
cruce to be an-  
nually applied  
to payment of  
interest on  
bonds.

SEC. 10. The dividends which may accrue on said shares of stock held by such county, town, city or village, shall be annually applied towards the payment of the interest of their bonds and the surplus, if any, shall be securely invested by the officers of such county, town, city or village as a sinking fund to meet the payment of said bonds when the same shall become due and payable, and said respective municipalities by their officers aforesaid, when by a vote as aforesaid of such municipalities they shall be so authorized, may issue and deliver the bonds of said county, city, town or village payable as aforesaid, upon such other terms and stipulations as may be agreed upon by said company and said municipalities respectively.

Payment of  
bonds.

SEC. 11. Whenever said railroad company shall pay said bonds, and return the same cancelled to the officers of any such county, town, city or village, it shall be their duty, and they are hereby authorized to surrender the shares of stock or other securities held by such corporation, and pay over to said company any surplus fund from the dividends that may be held by such county, town, city or village.

SEC 12. This act shall not apply to the towns of Mequon and Cedarburg, in the county of Ozaukee, and if any county bonds shall be issued under the provisions of this act, said towns shall be expressly exempted from the operation of the same.

Approved, April 1, 1854.

An Act to Incorporate the Potosi Mutual Insurance Company.

Chap. 289

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Samuel Wilson, John H. Vance, G. Lee Anderson, Levi Brown, Thomas L. Hammonds, Christian Smith, James White, Jacob Neuforny, John L. Sweeny, and their associates; and all such persons as shall hereafter have property insured by the said company, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic, in fact, and in name, by the name of "Potosi Mutual Insurance Company."

SEC. 2. The said corporation, hereby created, shall have power and authority to make contracts of insurance with any person or persons, or any body corporate or politic, against losses by fire, of any houses, stores or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications and restrictions as may be agreed upon between the said corporation and the person or persons agreed upon between the said corporation and the person or persons agreeing with them for such insurance.

SEC. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act; and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that shall be the first directors of said corporation, and shall continue in office for a period of one year, and until others shall be chosen, and no longer. The directors shall be elected on the first day of June, in each year, at such hour of the day as the legislature of Potosi, in the county of Grant, and state of Wis-

Body corpor-  
ate.

Powers.

Persons insur-  
ing to be  
deemed mem-  
bers.

Affairs, how  
managed.

consin, as the board of directors for the time being shall appoint, of which election public notice shall be given in the public newspapers printed at Potosi, at least thirty days preceding such election, and such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the members there present, or their proxies, allowing one vote for every twenty-five dollars, each member shall have insured in said company, and every member may vote in person or by proxy at his pleasure, at any election of directors of said company, and his membership shall be ascertained by the records and entries in the office of the secretary of said company, and no oath shall be administered to any member offering to vote in person, or required to be attached to his appointment when offering to vote by proxy.

**Election of president.**

SEC. 4. The directors hereinbefore named shall, as soon as may be, after the passing of this act, and the directors to be chosen at such annual election, shall, as soon as may be thereafter, proceed to choose out of their body, one person to be president; and in case of the death, resignation, or inability to serve of the president, or any director of said corporation, such vacancy may be filled for the remainder of the year by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tem, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

**Corporation not dissolved if election not held on day appointed by the act.**

SEC. 5. If it shall at any time happen that an election of directors shall not be made on any day, when, pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated, by the by-laws and ordinances of said corporation.

**When policies of insurance are binding and obligatory**

SEC. 6. The policies of insurance and other contracts founded thereon, hereafter to be made or entered into by said corporation, though not under seal, if subscribed by the president, or in case of his absence, resignation, or inability to act, by such officer or officers, or person or persons, as may be for that purpose authorized by the act of incorporation or by-laws of said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect to all intents and purposes, as if the seal of said



corporation had been or was affixed thereto. And, further, all such policies or contracts may be so signed and attested, and all the business of said corporation may be conducted and carried on by committees or otherwise, without the presence of a board of directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of said corporation.

SEC. 7. In case any person or persons insured, named in any policy or contract of insurance made by said corporation hereby created, shall sell or convey, or assign the property insured, during the time for which it is insured, it shall be lawful for such insured, to assign and deliver to the purchaser or purchasers, such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance; and may bring and maintain a suit thereon, in his, her, or their own names: *Provided*, That before any loss happens, he, she, or they, shall obtain the consent, in writing, of said corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance.

Persons selling or conveying must assign policy of insurance.

SEC. 8. It shall and may be lawful for said corporation to take and hold any real estate, bona fide mortgaged to the said corporation by any security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner any other mortgage is, or shall be authorized to do, and also to purchase on sales made by virtue of any proceeding at law, or any order or decree of any court of equity, or any other legal proceeding, or otherwise receive and take any real estate in payment of, or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

Corporation may hold real estate mortgaged to them for payment of debts.

SEC. 9. The said directors and such others as may be chosen by the said corporation, shall be indemnified, and saved harmless by the members of the said corporation, in proportion to the amounts of property that each and every member may have insured, at and after the rates of insurance of such property by the said corporation, in and for their giving out and signing policies of insurance, and other lawful acts, deeds and transactions, done and performed in pursuance of this act; and neither of the said

Directors indemnified and saved harmless by members of corporation.

directors shall be answerable for, or charged with the faults, neglects, or misdeeds of others of them.

Members must pay their proportion of losses.

SEC. 10. Every member of said company shall be, and is hereby bound to pay his proportion of the losses and expenses accruing in and to said company.

Certificate of secretary necessary.

SEC. 11. Whenever any assessment is made on any premium note given to the said company for any hazard taken by said company, or as consideration for any insurance issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, specifying such assessment and the amount due to said company, on such note by means thereof, shall be taken and received as prima facie evidence thereof, in all courts and places whatsoever.

Officers committing fraud guilty of a misdemeanor.

SEC. 12. Any person, who as secretary, deputy secretary, or clerk of said company, shall be guilty of any designed falsehood or fraud in the certificate authorized by the eleventh section of this act, shall be guilty of a misdemeanor; any person who shall personate or falsely affix the name of said secretary, deputy, or clerk, to any such certificate, shall be guilty of a misdemeanor; any person to vote in person at any election of directors of said company, who shall falsely personate another, shall be guilty of a misdemeanor; and any person who shall falsely sign or affix the name of any person or member of this company to an appointment of a proxy, shall be guilty of a misdemeanor.

Penalty.

SEC. 13. Any person convicted of a misdemeanor for any offence under this act, shall be sentenced to imprisonment in the county jail for a term not exceeding six months, or to pay a fine not exceeding fifty dollars, or to both such fine or imprisonment, at the discretion of the court before whom he or she may be convicted.

President and directors may appoint officers

SEC. 14. The president and directors of said corporation shall have power to appoint such officers and agents as they may find necessary, prescribe their duties, and require bonds for the faithful performance thereof, and may from time to time adopt such by-laws and regulations for the business of said company as they may deem expedient, such by-laws and regulations not to be inconsistent with the constitution and laws of the United States, or of this state; and such by-laws shall determine as near as practicable, the rates of insurance on the different classes of property and sums to be deposited for any insurance.

Directors before they can act, must take

SEC. 15. The directors before they execute any of the duties of their office, excepting choosing president, shall

severally take an oath or affirmation that they will faithfully, diligently, honestly, and impartially perform the duties of their respective offices, according to the best of their abilities. an oath or affirmation.

SEC. 16. The operation and business of the Potosi Mutual Insurance Company shall be carried on in the village of Potosi, State of Wisconsin; and this act shall take effect from and after its passage.

Approved, April 1, 1854.

An Act to lay out a State Road in Iowa and Lafayette Counties.

Chap. 290

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SEC. 1. Nathaniel S. Parkinson, Andrew Carns and ——— Commissioners.  
Bennets, are hereby appointed commissioners to lay out and establish a state road from Mineral Point, in Iowa county, to Nathaniel S. Parkinson's, in section thirty-two, in town four north, of range four east, in the county of Lafayette.

SEC. 2. Said commissioners as soon as the passage of this act, or as soon thereafter as they may deem convenient, shall procure some competent surveyor, and two chain carriers, and proceed to survey and establish said road on the most practicable route from Mineral Point to Nathaniel S. Parkinson's: *Provided*, that said road shall not be run through any improved lands without the consent of the owners thereof: and *Provided also*, that the counties through which said road, or any part thereof shall run, shall pay all the expense of surveying and establishing said road. Commissioners may lay out state road.

SEC. 3. Said commissioners shall make a full and complete return of said survey accompanied with the field notes and bearings of the board of supervisors of the county of Iowa, whose duty it shall be to cause the same be made of record in the office of the clerk of the said board of supervisors. Must make a return of survey.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

**Chap. 291** An Act to revise and amend an Act entitled "An Act to provide for a Special Tax to improve the Road therein named." Approved, March 31, 1853.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The act of which this is amendatory, is hereby revived, and as hereinafter amended, declared to be in full force and effect.

**SEC. 2.** Section one of said act is hereby amended, by striking out the name of "Perry P. Smith," and inserting "Daniel P. Knapp," and by striking out of the 4th section of said act the figures "1853," and inserting "1854."

**SEC. 3.** This act shall take effect from and after its passage.

Approved, April 1, 1854.

**Chap. 292** An Act to amend an Act entitled "An Act to authorize the first, third and fifth Wards of the City of Milwaukee, or either of said Wards, to build a Bridge across the Milwaukee River." Approved, April 2, 1853.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section four of the act to which this is amendatory, is hereby amended so as to read as follows: Whenever the common council of the city of Milwaukee, or a majority of them, shall deem it necessary to construct a bridge from the foot of Milwaukee street, in the third ward, to some suitable point in the fifth ward of said city, they shall levy a tax on all taxable property of the city, sufficient to construct the same, and said bridge shall be built and maintained at the expense of the city, on such plan as shall be determined by the common council; all laws and ordinances in force for the protection and maintenance of public bridges, and all ordinances that may hereafter be enacted for their protection and maintenance shall be applicable to said bridge.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

Act to amend Chapter 305 of the Private and Local Statutes of 1853, entitled "An Act to incorporate the Oshkosh and Lake Superior Railroad Company," and to change the name thereof to "Lake Winnebago and Lake Superior Railroad Company."

Chap. 293

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That section 1 of chapter 305 of the private and local statutes of 1853, entitled "an act to incorporate the Oshkosh and Lake Superior railroad company," is hereby amended by adding the names of the following persons as commissioners: E. D. Buttrick, George Gary, C. O. Blodgett, John F. Mills, William A. Knapp and Nathan Daugherty.

SEC. 2. The name of the Oshkosh and Lake Superior railroad company is hereby changed to the name of "Lake Winnebago and Lake Superior railroad company," and by that name shall have perpetual succession, and shall have and enjoy all the powers, privileges, franchises and immunities of the said Oshkosh and Lake Superior railroad company.

SEC. 3. That section 8 of said act is hereby amended by striking out of said section the following words, to wit: "On the south side of Fox river and opposite the town of Oshkosh," and inserting in the place thereof the words, "in Winnebago county."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

An Act to amend an Act entitled "An Act to incorporate the Watertown and Madison Railroad Company," approved March 17th, 1853.

Chap. 294

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Watertown and Madison railroad company are hereby authorized and empowered at any time after its organization to consolidate its capital stock with that of the Milwaukee and Watertown railroad company, upon such terms and conditions as may be agreed upon by and between the respective boards of directors of the said companies; and when so consolidated, all the rights, privileges and franchises, conferred by the respective charters of said companies, shall be merged into and conferred upon the consolidated company.

Approved, April 1, 1854.

**Chap. 295** An Act to lay out and open a State Road from Fort Howard, in Brown County, to Howard, in Oconto County.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That James H. Howe, Leroy Tucker and Lewis Tucker be, and they are hereby appointed commissioners to lay out and open a state road from Fort Howard, in Brown county, to Howard, on lot No. seven, in section thirty-four, in township No. twenty-eight, north of range twenty east, in Oconto county; and that said commissioners, or a majority of them, may, as soon as practicable, proceed to lay out and open a road between said points on the most feasible route; and that said commissioners shall each receive for their services in laying out and opening said road the sum of two dollars per day—to be paid by the counties through which the said road shall be established.

Approved, April 1, 1854.

**Chap. 296**

An Act to incorporate the Galesville University.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Body corporate, and their powers.

SECTION 1. That Wiram Knowlton, Francis M. Rublee, Samuel T. Smith, George Gale, William M. Young, William J. Gibson, Benjamin Allen, George Batchelder, Benjamin F. Huston, Benjamin B. Healy, Charles Ritter, James Reed and Isaac Noys, their associates and successors, be, and they are hereby created a body corporate and politic, for educational purposes, in perpetual succession, with the name and title of "The Board of Trustees of the Galesville University," with full power to sue, and be sued; plead, and be impleaded; to acquire, hold and convey property, real and personal; to have and use a common seal, to alter and renew the same at pleasure, and to adopt such by-laws, not inconsistent with the constitution and laws of the United States or of the state of Wisconsin, as they may deem necessary for the government of the university.

University, where to be located.

SEC. 2. The said university shall be located on the south-west quarter of the north-west quarter of section thirty-two, in township nineteen, north of range eight west, in the county of Trempealeau, and may be erected on a plan sufficiently extensive to afford instruction in literature, the sciences, and arts, in the theory and practice of elementary instruction, and in any or all of the liberal professions in

such manner and at such times as the board of trustees may deem practicable and desirable.

SEC. 3. The board of trustees shall consist of not less than ten members, who shall have power to increase the number to fifteen, and to fill any vacancies that may occur by death, resignation or neglect of the duties of the office for more than one year. The members of the board shall be divided into two classes, one of which shall go out of office in one year, to be determined by lot at the organization of the board, and afterwards trustees shall be elected to serve two years. The first meeting of the board of trustees shall be held at such time and place as may be designated in a call signed by a majority of the corporate members, of which due notice shall be given, and afterwards they shall meet on their own adjournment, and in such manner as may be prescribed in the by laws; and any five of them, duly assembled, shall constitute a quorum for the transaction of business, and any less number may adjourn from time to time.

Number of trustees required.

Place of meeting.

SEC. 4. The board of trustees shall have power to devise and execute measures for the establishment and prosperity of the university; to prescribe the course of study in the several departments; to appoint an executive committee, consisting of the president, secretary, treasurer and three directors for the transaction of all ordinary business under the direction of the by-laws and subject to the approval of the board; to elect and inaugurate a board of instruction, consisting of a presiding officer, who shall be a member of the board of trustees *ex officio*, and the requisite number of professors and tutors; and also to confer such degrees and to grant such diplomas as are conferred and granted by other universities.

Powers.

SEC. 5. All funds and property received by the board of trustees by gift, or otherwise, shall be faithfully applied according to the best of their judgment for the benefit of the university, in purchasing grounds, erecting buildings, procuring library and apparatus, creating endowments for the support of professors and paying the salaries of agents, officers and teachers of the university: *Provided*, That any donations or bequeaths made for particular purposes in accordance with the design of the corporation, shall be applied according to the wishes of the donors.

Property, how to be applied.

SEC. 6 The library, apparatus, cabinet and lands of the university, not exceeding forty acres, shall be exempt from taxation: *Provided*, That lands, exempt from taxation

To be free from taxes.

by the provisions of this act, shall not be used for any other than university purposes.

SEC. 7. No political or religious opinions shall be required as qualifications for membership in the university, and no student shall be required to attend worship with any particular religious denomination.

Approved, April 1, 1854.

**Chap. 297** An Act to prevent the destruction of Fish in the County of Waukesha.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No person shall take any pike, pickerel, bass or muscalonge, with a spear, in any of the waters within the limits of Waukesha county, in this State.

SEC. 2. Any persons violating the provisions of this act, shall forfeit and pay the sum of ten dollars for each violation, to be recovered in an action on the case before a justice of the peace, one half to any person who shall prosecute the same to conviction, and the other half to be paid into the treasury to defray the expenses of the poor of said county.

SEC. 3. This act shall take effect immediately.

Approved, April 1, 1854.

**Chap. 298** An Act to amend an Act entitled an Act to incorporate the Potosi and Dodgeville Railroad Company. Approved, February 10, 1851.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an act entitled "an act to incorporate the Potosi and Dodgeville railroad company, approved February 10, 1851, is hereby so amended by striking out the names of the commissioners named in said section, and inserting as commissioners of said road, Nelson Dewey, John H. Vance, Benjamin F. Woods, William Hull, James F. Chapman, Moses M. Strong, and David McKee, the said commissioners herein named, shall have power to locate the line of their road from Potosi to Cassville, in Grant County, in addition to the power conferred in the act to which this is amendatory.

SEC. 2. The persons named in the first section of this act, are hereby declared the first directors of said railroad com-



any, and shall hold their office for one year, or until directors shall be elected in their place by the stockholders of said company, and shall possess all the powers conferred by the act of which this is amendatory, upon the board of directors elected by the stockholders.

SEC. 3. All parts or portions of the acts to which this act is amendatory, which conflicts with the provisions of this act are hereby repealed.

Approved, April 1, 1854.

An Act to authorize the County of Fond du Lac, and the several towns in said county, to aid in the construction of a Railroad. Chap. 299

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Bertine Pinkney, G. N. Lyman, D. P. Mapes, <sup>Commissioners.</sup> Isaac S. Tallmadge, John Bannister, Geroham F. Brownson and M. J. Thomas are hereby appointed a board of commissioners for the purpose of aiding in the construction of a railroad, authorized to be made from the city of Sheboygan, westwardly by the way of Fond du Lac city to the Mississippi river, known as the Sheboygan and Mississippi railroad company.

SEC. 2. Said commissioners shall, previous to the transaction of any other business, elect one of their number president, and one treasurer, and shall also appoint a secretary. The president, when present, shall preside at all the meetings of the board for the transaction of business; and the secretary shall keep a record of all doings of said board. All meetings of said commissioners shall be at <sup>Election of officers.</sup> Fond du Lac city, at such time and place as shall be designated by a majority of them. <sup>Place of meeting.</sup>

SEC. 3. The said commissioners are hereby authorized to borrow one hundred thousand dollars upon the credit of the county of Fond du Lac for twenty years or less, in such sums as they may deem proper, at a rate of interest not exceeding seven per cent. per annum, payable annually in the city of New York, for the purpose of investing the same in the capital stock of a railroad company authorized to construct a railroad from Fond du Lac westwardly to the Mississippi river, and to issue therefor the bonds of the county of Fond du Lac, as hereafter mentioned, and in case the said money or any part thereof shall not be borrowed, to subscribe for so many shares of said capital stock of said railroad company, that the amount of the same, at <sup>May borrow money.</sup>

their par value shall be equal to one hundred thousand dollars, and to pay for the same in the bonds of said county, payable as above specified. In lieu of investing the said sum or any part thereof in the capital stock of said railroad company, the said board of commissioners are hereby authorized to loan the credit of said county to the said company to the amount of one hundred thousand dollars, for a length of time not exceeding twenty years, and at a rate of interest not exceeding seven per cent. per annum, and to receive the convertible bonds of said company to secure the said county, and such other security as shall be agreed upon and approved by the said board of commissioners.

Property of  
company  
pledged for  
payment.

SEC. 4. The shares of stock in said railroad company, or the bonds and other securities of said company thus taken by said county, and all dividends and interests arising from the same, are hereby pledged for the payment of the principal and interest of said county bonds: *Provided, however,* that the board of commissioners may sell such shares of stock, or such bonds and other securities of said company, but the proceeds thereof and interest, shall still be pledged to pay the interest and principal of said county bond.

May levy tax.

SEC. 5. The board of supervisors of the county of Fond du Lac, shall annually levy a tax upon all taxable property of said county, sufficient to pay the interest upon such bonds, after deducting the dividends received by said county on said shares of stock, or the interest on said bonds of said company; and in any year when said bonds shall become due, the board of supervisors of said county shall levy a tax as aforesaid, sufficient to pay said bonds so becoming due, after deducting any and all sums received by said county on the sale of shares of stock, or of the bonds of said company, or dividends not expended in the payment of interest.

Board of com-  
missioners to  
appoint one  
railroad com-  
missioner an-  
nually.

SEC. 6. The said board of commissioners shall annually appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company for the election of directors thereof, or for the transaction of other business and shall be entitled to cast one vote for every share of stock which said county shall hold in said railroad company; and in case of his absence or inability to attend, to appoint in writing under their hands some other person who shall have the same power.

SEC. 7. No bonds shall be issued in pursuance of the Election. provisions of this act, nor shall the credit of the county be loaned to said railroad company, until a majority of the legal voters of said county voting upon said question, shall vote in favor of the same at an election called by the clerk of the board of supervisors, or the sheriff of said county, for that purpose. At such election those voting in favor, shall vote a ballot with the words inscribed thereon, "for the railroad;" and those voting against, shall vote a ballot with the words inscribed thereon, "against the railroad." The clerk of the said board of supervisors, or sheriff of said county, shall give at least three weeks notice of the time and place of holding said election, by publishing the same in two or more newspapers, printed and published in said county, and this act shall be published in connection with such notice. Said election shall be conducted, and the returns thereof made and canvassed in the same manner as an election for county officers in said county.

SEC. 8. The said bonds shall be signed before issued by the president and secretary of said board of commissioners, and countersigned by the clerk of the board of supervisors, or treasurer of said county, who shall keep a correct register of all bonds so countersigned by him. The said bonds, when signed and countersigned as aforesaid, shall be in the hands of any *bona fide* holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of said county of Fond du Lac, according to the tenor and effect of said bonds: *Provided*, that no bond shall be issued except by order of a majority of said commissioners, at a meeting of said board, which order shall be entered upon the records of their proceedings. Bonds before issued to be signed by president and secretary.

SEC. 9. All contracts entered into by said commissioners, shall be made in the name of the Fond du Lac county railroad commissioners, shall be signed by the president and secretary with the consent of the board, and all contracts shall be made by a vote of a majority of said board, or by some person duly authorized by a vote of the majority of said board at a meeting of the same. Contracts.

SEC. 10. It shall be the duty of said board of commissioners on or before the first Tuesday of October in each year, to render a specific statement of their doings to the board of supervisors of said county of Fond du Lac, verified by the oath of the president of said board; and said statement shall also show the sum of money that will become due for interest or principal, or both, upon the bonds. Commissioners to give an annual statement of their doings.

of said county, issued by them as aforesaid for the ensuing year, and the place where the same is payable, and what sum of money so to become due will be required to be raised by a tax upon the taxable property of said county.

Transaction of business.

SEC. 11. Whenever any vacancy shall occur in said board of commissioners by resignation, death, or removal from said county of Fond du Lac of any of said commissioners, it shall be filled by an election of the remainder of said board, by some freeholder of said county; and a majority of said commissioners shall constitute a board for the transaction of any business authorized to be done by said board.

Notice to be given of election.

SEC. 12. It shall be the duty of the clerk of the board of supervisors or sheriff of said county, to give immediate notice of the election, in accordance with the provisions of section seven of this act, whenever a petition signed by one hundred freeholders of said county, shall be presented to either the said clerk or sheriff asking for the same.

Board of supervisors may subscribe for a certain sum of money to the capital stock of company.

SEC. 13. The board of supervisors of any town in said county of Fond du Lac are hereby authorized to subscribe for their respective towns any sum of money, not exceeding in any town the sum of fifty thousand dollars to the capital stock of the Sheboygan and Mississippi railroad company, and payable for the same in the bonds of said towns respectively, payable within twenty years with interest, payable annually at the city of New York, at a rate not exceeding seven per cent. per annum.

Shares of stock &c., pledged.

SEC. 14. The shares of stock in such railroad company, thus taken by said towns, and all dividends arising from the same are hereby irrevocably pledged for the payment of the interest and principal of said bonds: *Provided, however,* That the board of supervisors of said towns may sell such shares; but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds.

May levy tax.

SEC. 15. The board of supervisors of said towns whenever the same shall become necessary, shall immediately levy a tax upon the taxable property of said towns sufficient to pay the interest upon such bonds, after deducting the dividends due to such towns on such shares of stock. And in any year when said bonds or any part thereof shall become due, said board of supervisors shall levy a tax as aforesaid sufficient to pay said bonds so becoming due, after deducting any and all sums received by said board on the sale of the shares of the stock of said company or dividends not expended in the payment of interest.

SEC. 16. The board of supervisors of each of said towns <sup>Board of supervisors to</sup> may annually appoint one railroad commissioner, who <sup>appoint one</sup> shall attend the annual or special meetings of the stock- <sup>railroad com-</sup> holders of such railroad company, for the election of direc- <sup>missioner an-</sup> tors thereof, and shall be entitled to cast one vote for every <sup>nually.</sup> share of stock which said town shall hold in such railroad company; and in case of the absence of such commissioners, or inability to attend, to appoint in writing under their hands, some other person who shall have the same power.

SEC. 17. No bonds shall be issued in pursuance of the <sup>Election.</sup> provisions of this act, unless a majority of the legal voters of said towns voting upon said question, shall vote in favor of the same, at an election called by the said board of supervisors for that purpose, to be held at the usual places of holding elections in said town. At such election, those voting in favor, shall vote a ballot with the words inscribed thereon, "for the railroad;" and those voting against, shall vote a ballot with the words inscribed thereon, "against the railroad." One week's previous notice of said election shall be given, either in a newspaper printed in said towns, or by notice posted in three public places in said towns respectively; said election shall be conducted, and the returns thereof made and canvassed in the same manner as at the annual town meeting of said towns.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

An Act to amend an Act entitled an Act to incorporate the Winnebago Lake, Chap. 300  
and Fox River Road Company. Approved March 13, 1848.

*The People of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. Section eleven of an act entitled an act "to incorporate the Winnebago Lake and Fox River road company," approved March 13, 1848, is hereby repealed.

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved, April 1, 1854.

**Chap. 301** An Act to amend an Act entitled "an Act to incorporate the Green Bay and Lake Superior Railroad Company," approved March 24th, 1852.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate, and their powers.

**SECTION 1.** Morgan L. Martin, Francis Desnoyers, David M. Loy, Walter D. McIndoe, Jackson Hadley, Joseph F. Loy, and Henry S. Baird, together with such other persons as may hereafter become associated with them as subscribers to the capital stock of this corporation, as prescribed in the body of the said act hereby amended, their successors and assigns, be and are hereby created a body corporate by the name of the Green Bay and Lake Superior railroad company, and by that name shall be and are hereby made capable in law to purchase, hold and enjoy and retain to them and to their successors, lands, tenements and hereditaments, so far as may be necessary for the purpose of said railroad, and the same to sell, grant, rent, or in any manner dispose of; to contract and to be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended; also to have, make and use a common seal, the same to alter, break or renew at their pleasure; and if either of the persons named in this section shall die, refuse or neglect to execute the powers and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur.

Further powers.

**SEC. 2.** And the said company shall have power to connect the said railroad with any railroad or branch railroad in this state which it may intersect or come in contact, and operate the same in connexion with any other railroad, or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad to be built or owned by this company.

Amendatory.

**SEC. 3.** Section one of the act, to which this is amendatory, is hereby repealed, and all acts or parts of acts contravening the provisions of this act, are, and the same is hereby repealed.

**SEC. 4.** This act shall take effect from and after its passage.

Approved, April 1, 1854.

An Act to incorporate the Oconto Boom Company.

Chap. 302

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That Anson Eldred, Eliphalet Cramer, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, for the purposes hereinafter mentioned, by the name of the Oconto Boom company, for the term of fifteen years, and by that name they and their successors shall be, and they are hereby made capable in law, to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered in any court; and to purchase and hold any estate, real, personal and mixed, and the same to grant, sell, lease, mortgage or otherwise dispose of for the benefit of said company; to devise and keep a common seal, to make and enforce any by-laws not contrary to the constitution and laws of the United States or of this State, and to enjoy all the privileges, franchises and immunities incident to a corporation. Body corporate, and their powers.

SEC. 2. The capital stock of said company shall not exceed twenty-five thousand dollars, and may be divided into shares of one hundred dollars each: and books of subscription therefor may be opened at such time and in such manner as may be agreed upon by the said Anson Eldred and Eliphalet Cramer; and the affairs of the company may be managed by a board of directors, of such number as may be agreed upon by the stockholders; and such board of directors may elect a president, and such other officers for the company as they may deem expedient; in the election of directors, each share of stock shall entitle the holder thereof to one vote; the first board of directors shall be elected in such manner and at such time as a majority of the stockholders, in number and value shall determine; and the board of directors thus elected, may fix the time and manner for all future elections for such board of directors. Capital stock.

SEC. 3. The said company shall be, and are hereby authorized and empowered to construct, maintain and keep a boom upon the Oconto River, in the county of Oconto, commencing on or between lots two and seven, in section thirty-four, in township twenty eighth, north of range twenty, east, and from thence extending up and through the said Oconto River, to such point as said company shall deem advisable: *Provided*, that such boom shall be so May keep a boom.

constructed as not to obstruct the passage of rafts and timber down or through said river.

May receive compensation.

SEC. 4. It shall and may be lawful for said company, to take and receive as compensation for booming logs, timber and lumber, as is allowed under an act to incorporate the St. Croix Boom Company, approved, March fifteenth, A. D. 1851.

Penalty for injuring boom.

SEC. 5. Any person or persons who shall wilfully break or destroy said boom in whole or in part, or loose it from its moorings, shall forfeit to said company the sum of one thousand dollars for each and every offence, to be recovered in an action of debt in the name of, and for the use of said company: *Provided*, that nothing herein contained shall preclude said company, from having and maintaining an action against such person or persons for all damages they may sustain by reason of such wilful act.

SEC. 6. This act shall be in force from and after its passage.

Approved, April 1, 1854.

**Chap. 303** An Act to authorize certain Counties and Towns to aid in the construction of the Milwaukee and Horicon Railroad.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Counties may subscribe for stock.

SECTION 1. It shall be lawful for the county of Waushara, and the town of Waushara, in Waushara county, the towns of Waupun, Springdale, Motomo and Ceresco, in the county of Fond du Lac, and the towns of Brooklyn and Berlin, in the county of Marquette, to issue and deliver to the Milwaukee and Horicon railroad company their bonds, payable to such person or persons, trustees or corporation, or to said company, at such time, for such sum or sums, at such rate of interest, transferable by general or special endorsement, or by delivery, in such manner as the directors of said company may desire, and to receive in exchange for such bonds, the bonds of said railroad company for a like amount, but no such bonds shall be issued or delivered to said company, by any such county or town, unless a majority of the legal voters of such county or town, voting on the question, shall first have voted in favor of such issue in the manner hereinafter prescribed: *Provided*, That said bonds shall not bear a greater rate of interest than



eight per cent. per annum, nor be made payable for a longer time than twenty years; nor shall bonds be issued in pursuance of this act by the county of Waushara exceeding in amount the sum of two hundred thousand dollars, nor by the towns of Motomo, Brooklyn and Waushara for a sum exceeding twenty thousand dollars each, nor by Waupun and Ceresco for a sum exceeding fifty thousand dollars each, nor by the town of Berlin for more than one hundred thousand dollars.

SEC. 2. It shall be lawful for the Milwaukee and Horicon <sup>May issue bonds.</sup> railroad company to issue its bonds, payable to the treasurer of the state, and his successor in office, or to bearer, in sums of five hundred or one thousand dollars each, which shall not exceed in the aggregate ten thousand dollars per mile of the whole of the surveyed line of the said railroad, and bearing an interest not exceeding the rate of eight per cent. per annum, payable at such place, and at such time, not exceeding twenty years from their date, as said company shall elect, with a provision making them transferable by general or special endorsement or by delivery, and all such bonds which shall be delivered to any such county or town in exchange as aforesaid, shall contain a stipulation guaranteeing the payment of the principal and interest, which shall become due and payable on the bonds of said counties or towns, received in exchange therefor by said company, and to secure the payment of such bonds and interest, it shall also be lawful for the said company to execute and deliver to the treasurer of the state and his successors in office, in trust for the use and benefit of the holders of any and all of said bonds, a deed of conveyance, to be called a second mortgage of all the present and future to be acquired property of said company in the whole of said railroad, including the right of way and land occupied by said road, together with the superstructure and tracks thereon; and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments, depots, grounds and buildings thereon, engines, tenders, cars, tools, materials, machinery, fixtures, and all other personal property, which said second mortgage shall be taken, deemed and held to be subject and subsidiary to another deed of conveyance, to be called a first mortgage of all the aforesaid property, which said first mortgage, whether it shall have been executed prior or subsequent to said second mortgage in point of time shall constitute the first lien upon said railroad, and all of the aforesaid property, but said first mortgage shall not be issued to secure the payment

Rate of interest.

Company may exchange its bonds.

Shall vote upon the question.

Form of ballot.

of bonds to a greater amount than ten thousand dollars per mile of the whole length of said road, nor bearing a rate of interest greater than at the rate of ten per cent. per annum, and whenever such second mortgage shall be delivered to the treasurer of the state and recorded in the office of the secretary of state, it shall constitute a perfect and indefeasible lien upon said railroad, and upon all the property described in it, subject only to the prior lien created by said first mortgage.

SEC. 3. Whenever the said railroad company shall desire to exchange any of its bonds for the bonds of any of said counties or towns, it shall make and deliver to the clerk of the board of supervisors of such county or to the clerk of such town, as the case may be, a definite proposition in writing, signed by the president and secretary of said railroad company, and sealed with the common seal of said company, which proposition shall contain a distinct statement of the amount of the bonds of said company which the company propose to issue to such county or town, the time when said bonds shall be payable, the amount for which they shall respectively be issued, the rate of interest which they bear, and it shall also contain a distinct statement of the amount of the bonds of such county or town which the said company propose to receive in exchange for its bonds as aforesaid, specifying the person or persons, trustee or corporation to whom they shall be payable, the mode of transfer, the amount of each bond and the aggregate amount, the rate of interest and the time of payment. Upon receiving such definite proposition the clerk of the board of supervisors of such county, or the clerk of such town, shall immediately call a meeting of the board of supervisors of such county or town, as the case may be, and the said board shall publish or cause to be published a notice of an election to be held by the legal voters of such county or town at the usual place or places of holding elections in such town, and at such time as they may designate, which shall not be less than twenty nor more than thirty days from date of such notice, which notice shall contain a distinct statement of the proposition made by said railroad company with reference to the exchange of its bonds for the bonds of such county or town, and shall call upon the voters to deposite a ballot upon which shall be written or printed the words, "For the railroad proposition," or the words, "Against the railroad proposition," or words of similar import.

Sec. 4. Such election shall be held and conducted in the same manner that other general elections in such county towns are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any general election, and the canvassers shall make, certify, sign and deposit with the clerk of such county or town a statement of the whole number of votes cast upon the question as well as a statement of the number for the railroad proposition, and of the number against the railroad proposition; and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

Elections how conducted.

Sec. 5. If a majority of the legal voters, who shall vote on the question at any election to be held in any such county or town, in pursuance of the provisions of this act, shall as indicated by the official returns of any such election, vote for the railroad proposition, it shall be the duty of the chairman of the county board of supervisors, and the clerk of the board of supervisors of such county, and the chairman of the board of supervisors, and the town clerk in such town, upon receiving from the directors of said railroad company bonds in conformity with the proposition of said railroad company to issue and deliver to the directors of said railroad company the bonds of such county or town in conformity with said proposition, and all bonds issued by such county shall be signed by said chairman and clerk of the board of supervisors under the corporate seal of said county, and all bonds issued by any such town shall be signed by the chairman of the board of supervisors and town clerk, and have annexed to them the official certificate of the clerk of the county board of supervisors under his official seal, that they are such officers, and that their signatures are genuine.

Duties of chairman of county board of supervisors, &c.

Sec. 6. Every county and town which, by the provisions of this act, is authorized to issue any bonds shall be severally liable in law, faithfully, promptly, and at maturity, to pay and discharge the principal and interest due upon every such bond and the separate faith of every such county and town shall by the issue of such bond be irrevocably, inviolably pledged for the prompt discharge of every such liability.

County and towns liable.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

**Chap. 304** An Act to authorize School District No. 9, in the town of Racine, to levy Taxes.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The legal voters in school district number nine, in the town of Racine, in the county of Racine, are hereby authorized at any regular or special meeting of said voters in said district, to levy a tax for the purpose of purchasing a lot, and for the purpose of building thereon a school house; and also a tax for the support of a school and the payment of a teacher for the present year; but said taxes shall not exceed the amount prescribed by the existing laws.

SEC. 2. The proper officer of said district shall have the same power to levy and apportion, and collect said taxes, as if the same had been levied at the annual meeting of said district.

SEC. 3. This act shall be in force from and after its passage.

Approved, April 1, 1854.

**Chap. 305** An Act to amend an Act entitled an Act to incorporate the Sheboygan and Calumet Plank Road Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Amendatory.** SECTION 1. Section one of the act to which this is amendatory, is amended by inserting the names of William W. King, Henry Stocks, August Port, Peter Schweihoofen, John Marygold and Samuel Goodell, as commissioners in addition to those already named therein. And by substituting the word ten for "thirty," where it occurs in said section.

**Capital stock.** SEC. 2. That at the opening of the books for the subscription of stock to the capital stock of said company, as provided in section four of the act to which this is amendatory, said commissioners may require such amount only of the capital stock to be subscribed for and distributed, and per cent thereon is to be paid in as they may deem proper to require: anything in section four of said act contravening the provisions of this act, to the contrary notwithstanding.

**Amendatory.** SEC. 3. Section six of the act to which this is amendatory, is amended by adding thereto, after the word "company,"

then it occurs in the second line of said section six, the following, to wit, which is hereby authorized to locate so much of said plank road as it may see fit, on the line of the "Calumet Road," running from Sheboygan north-westerly; and also by inserting the word other, after the word "any," in the third line, of said section six.

SEC. 4. Said company shall not be authorized to erect Toll gates more than three toll gates between the city of Sheboygan, and the junction of said plank road with the "Green Bay Road."

SEC. 5. The said company is authorized to run said Powers of plank road from Sheboygan north-westerly, and terminate company. at the same either at any point on Lake Winnebago, on Fox River: *Provided*, said terminus be not lower down said river than the village of Appleton.

SEC. 6. This act shall take effect from and after its passage.

Approved, April 1, 1854.

An Act to authorize the consolidation of the Lisbon and Hartland Plank Road Company, with the Milwaukee and Lisbon Plank Road Company. Chap. 306

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Lisbon and Hartland plank road company are hereby authorized to convey all their interest in the Lisbon and Hartland plank road, to the Milwaukee and Lisbon plank road company on such terms as shall be mutually agreed upon by the directors of each of said companies respectively, and thereupon the Lisbon and Hartland plank road shall become a part of the Milwaukee and Lisbon plank road, and the Milwaukee and Lisbon plank road company shall be entitled to exercise all the rights, privileges and franchises in the management and control of the business and affairs of said portion of their road so acquired, which they are empowered to exercise generally under their charter, approved March 12, 1851, in the same manner as if said portion of their road, had been originally constructed under said charter.

SEC. 2. This act shall take effect immediately.

Approved, April 1, 1854.

**Chap. 307** An Act to legalize the assessment of Taxes in the township of Oconto, in Oconto County, and to authorize the Sheriff of the County of Brown to collect the same, and to extend the time therefor.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Town tax list binding.**

SECTION 1. The tax list of the town of Oconto, in the county of Oconto, is hereby declared to be as valid and binding to all intents and purposes as if all the requirements of the laws of this State had been complied with.

**Time for collecting taxes.**

SEC. 2. The time for collecting and making returns of the taxes for the county of Oconto, apportioned and levied for the year eighteen hundred and fifty-three, is hereby extended to the first Monday in June, eighteen hundred and fifty four, and the time for making payments to the State treasurer of the amount due from the said county of Oconto, is hereby extended to the fourth Monday of June in said year.

**Duty of sheriff.**

SEC. 3. It is hereby made the duty of the sheriff of the county of Brown to receive of the town treasurer of the said town of Oconto the aforesaid tax list, within twenty days after the passage of this act, and to collect and return the same in the same manner that town treasurers are required to collect and return taxes subject to the provisions of this act: the said sheriff to receive the same compensation and be subject to the same liabilities as town treasurer.

**Duty of town treasurer.**

SEC. 4. It shall be the duty of the said sheriff before receiving such tax list, to execute a bond in accordance with the requirements of section 76, chapter 12, of the revised statutes.

SEC. 5. It shall be the duty of the town treasurer of the said town of Oconto, to deliver the said tax list to the said sheriff within twenty days after the passage of this act.

SEC. 6. This act shall be immediately published in the "Green Bay Advocate," and shall take effect from and after such publication.

Approved, April 1, 1854.

**Chap 308** An Act to incorporate the Depere and Wausau Plank Road Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Body corporate.**

SECTION 1. Walter McIndoe, Hiram Calkins, William Field, Jr., Thomas Smith, David M. Loy and C. B. Rodman are hereby created a body corporate, by the name,

style and description of the Depere and Wausau plank road company, with perpetual succession, and by that name shall be, and are hereby made capable in law to purchase, hold, enjoy, retain, to them and their successors, lands, tenements hereditaments, so far as may be necessary for the purpose of constructing a plank road, as hereinafter set forth; and the same to lease, sell, grant, or in any manner dispose of; to contract, and be contracted with; to sue, and be sued; plead, and be impleaded; answer, and be answered; defend, and be defended; and also to make, have and use a common seal, the same to alter or renew at pleasure; and generally may do and perform all and singular the acts and matters which to any corporation shall lawfully appertain to do and perform for the well being of said corporation.

SEC. 2.: The capital stock of said corporation shall be two hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscriptions, which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient; and so soon as three hundred shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

SEC. 3: The said corporators, or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders, for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said corporators, above named, upon the subscription of three hundred shares of stock, and the organization of said corporators, by the election by them of one of their number president, shall have all the powers, and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be completed as if a regular election of directors had taken place; and in case of vacancy at any time happening in the board of directors, or in the said board

Capital stock.

Meeting of stockholders.

Powers of directors.

of corporators, acting in the capacity of directors, the board shall have power to fill such vacancy.

Affairs, how managed.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders in person or by proxies, duly authorized, and in all elections and in all discussions of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

Majority to form a quorum.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their own compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke the power of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing duties of officers, all of which by-laws, not inconsistent with the constitution and laws of the state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

Powers of directors.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon, for failure to pay such instalments as may be called for, and also to accept, in behalf of the company, a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same valid releases discharging them from all liabilities thereafter, for, or on account of the acts of said company or its officers.

Rates of toll.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the same, which he, she or they,



shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

SEC. 8. The said company shall have power to locate and construct a single or double track from the village of Depere, in Brown county, to the village of Wausau, in the county of Marathon, and by the most eligible and practicable route as the directors may decide; the track of said road shall be constructed of plank, stone, gravel or charcoal, or either in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of waggons and carriages.

May construct single or double track.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed four rods in width, and they may also cut down such trees, on each side of such road, as may endanger said road by falling or otherwise.

May enter upon lands.

Provided.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owners, no such agreement or purchase can be made therein, and in any such case, it shall be lawful for any justice of the peace, to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of seven freeholders of said county,

In case of disagreement as to value of land.

not interested in said property, to meet the said justice at some convenient place at, or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named, all of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of seven jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person, or by attorney, the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to view the said land, or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon, shall be signed by the jurors or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court, of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of land in question, and the value thereof as aforesaid; and such valuation when paid, together with costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, that it shall not be lawful for any justice or jury of inquest, to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days notice of the time and place of

Proviso.

meeting, for the purpose of making such valuation, or unless it shall, in like manner be shown that such owner or owners are under age, or *non compos mentis*, or absent from the county in which such lands are situated. Such service of notice may be made upon the guardian or trustee, the same restrictions as in case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, that no such material shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, that any party conceiving himself aggrieved by any decision herein stated, may in every such case, appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

SEC. 11. The directors shall have power, in their discretion, to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, they procure, by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of said town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll gates, and exact toll from persons traveling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile, for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine one cent per mile; and for every score of fat cattle four cents per mile: *Provided*, Persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid.

May construct road upon any road or highway.

May erect toll gates and exact toll.

Proviso.

May receive  
real or person-  
al property for  
stock.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security, (subject) to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholders in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders, paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals, or to their order or assigns.

Penalty for in-  
juring road.

SEC. 13. If any person shall willfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof, or any work, building or fixture, attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment or either, at the discretion of the court.

Penalty for re-  
fusing to pay  
toll.

SEC. 14. Any person who shall wilfully break down any gate on such road, which may have been created in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate, without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage or animal, turn out of said road or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum, not exceeding ten dollars, to and for the use of said company, and also for all damages.

May increase  
capital stock.

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide

for such increase of the capital stock of said company, as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

SEC. 16. If said corporation should not, within three years from the passage of this act, commence the construction of said plank road, and expend two thousand dollars or more thereon, then the rights, privileges and powers of the said corporation, under this act, shall be null and void.

When required  
to commence  
road.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Approved, April 1, 1854.

An Act to authorize the County of Polk to locate its County Seat.

Chap. 309

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The seat of justice for the county of Polk shall be at Oceola, in said county: *Provided*, That a majority of the legal voters, voting at the next general election (in November next) in said county, vote for the same; said vote shall be by ballot, written or printed, county seat, Oceola, yes—or, county seat, Oceola, no.

Approved, April 1, 1854.

An Act to divide the Towns of Quincy and Lemonweir, in Adams County, and organize the town of Lindina.

Chap. 310

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Township fifteen, north of ranges three and four east, in Adams county, is hereby organized into a town, to be called the town of Lindina; and the first town meeting in said town shall be held at the house of James Badger, at Maughe's mill.

SEC. 2. This act shall take effect from and after its passage.

Approved, April 1, 1854.

## Chap. 311

An Act to incorporate the Oshkosh Young Men's Association.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Body corporate.

SECTION 1. H. K. Raymond, O. L. Lane, William Markham, A. Meisner, John S. Smith, A. B. Smedley, J. L. Crosby, A. H. Raymond, H. Rogers, George Gary, and such other persons as are or may from time to time become associated with them hereafter, are hereby constituted a body corporate, by the name of the Oshkosh Young Men's Association, for the purpose of establishing and maintaining literary and scientific lectures, and other means of moral and intellectual improvement.

May acquire, hold and transfer real and personal estate

SEC. 2. The corporation hereby created may acquire, hold and transfer, real and personal estate to the amount of ten thousand dollars, and may also further acquire, hold and convey, all such books, cabinets, library, furniture and apparatus as may be necessary for obtaining the objects, and carrying into effect the purposes of the said association.

Officers.

SEC. 3. The officers of said association shall consist of a president, two vice-presidents, a corresponding secretary, a recording secretary, a treasurer and five managers, who together shall constitute an executive committee in whom shall be vested the power to contract for and dispose of the property, estate and funds of said corporation, and the direction and management of its concerns.

Powers.

SEC. 4. The said association shall have power to make, from time to time, such by-laws, rules and regulations, as shall be judged necessary and proper for the election of officers, prescribing the duties and functions of the same, and the mode of discharging these duties ; for the government of the association ; for the admission of new members ; for regulating the admission fees, and annual rate of contribution to the funds of said association ; for appointing the times and places for meeting the same ; for suspending or expelling such officers and members as shall neglect or refuse to comply with said by-laws, rules and regulations, and for managing the general affairs of said association.

Election of officers.

SEC. 5. Notice of the election of officers of said association, shall in all cases be published in the newspapers of the city of Oshkosh, at least ten days previous to such election.

SEC. 6. The estate, property and funds of the said association, shall be devoted solely to the general purposes and objects specified in the first section of this act.

SEC. 7. This act shall take effect from and after its passage.

Approved, April 1, 1854.

An Act to authorize Jesse E. Smith and his Associates to construct a Bridge across Black River, in the County of Jackson. Chap. 312

*The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

SECTION 1. Jesse E. Smith and his associates are hereby authorized to construct and maintain a bridge across Black River, in the county of Jackson, in town 20 north, of range No. 4 west, of the fourth principal meridian, to and from any land owned by him and his associates in said town. May erect a bridge.

SEC. 2. Said bridge shall not be less than twelve feet wide, and shall be so constructed as to give passage at all times to any raft coming down said river, and to all keel boats, or flat boats running either up or down said river, without any hindrance, let or delay; and the said J. E. Smith, his associates and assigns, shall be liable in an action on the case for any injury, detention or delay, by reason or on account of said bridge, to be recovered in any court of competent jurisdiction. On what conditions.

SEC. 3. The said Jesse E. Smith, his associates and assigns, shall have power immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge, as follows: for any vehicle drawn by two horses, mules or oxen, twenty cents, and for each additional horse, ox, or mule, 5 cents; for any vehicle drawn by one horse, 10 cents; for a single horse, 5 cents; for horses and cattle in droves, 3 cents each; for hogs and sheep in droves, 2 cents each; for foot passengers 2 cents each. May collect tolls.

SEC. 4. Said Smith, his associates and assigns, shall keep posted up in a conspicuous place on said bridge, the rates of toll allowed by this act. Rates of toll.

SEC. 5. Said bridge shall be completed within a year from the passage of this act.

SEC. 6. Any future legislature may alter, amend, or repeal this act.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

**Chap. 313** An Act to amend an Act to incorporate the St. Croix and Lake Superior Railroad Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of an act entitled An Act to incorporate the Saint Croix and Lake Superior railroad company, is hereby so amended as to empower any number of directors, not less than five, to act at the first meeting of the directors for the purpose of organizing said company.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

**Chap. 314**

An Act to incorporate the Brigham Mining Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. That Ebenezer Brigham, Samuel F. Tracy, H. W. Barnes, Walter C. Green, Fred. A. Delano, John Adams and J. R. Brigham, their associates and successors, are hereby constituted a body politic and corporate by the name of the Brigham Mining Company, for the purpose of exploring for lead, copper, iron and other ores, metals and minerals; and for mining, working, smelting and vending the same; and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue, and be sued; plead, and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, in all suits and actions; may have a common seal, and the same alter or renew at pleasure; and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, lease, transfer and convey any real and personal estate.

Time and place of meeting.

SEC. 2. The first meeting of said corporation may be called by the persons named in this act, or any three of them, at such time and place as they may elect; and at such meeting a board of directors shall be chosen from among the stockholders by the vote of a majority of the stockholders present at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may



lopted by the stockholders; said directors shall hold office for one year or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders aforesaid, nor with the constitution and laws of the United States and of this state.

SEC. 3. The directors shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, which book shall, during the usual business hours of each secular day be open at the place of business of said company, for the inspection of stockholders and editors of the company and their representatives.

Book to be kept containing names of stockholders.

SEC. 4. The said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and whenever said company shall, by purchase, lease or otherwise, become possessed of any line, mines, or mineral rights without the limits of this state, the directors may make a separate and distinct interest of each mine, and may divide said interest into such number of shares as they may deem expedient, (not exceeding in amount two hundred thousand dollars for each line,) and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares of said mines in such manner as their by-laws may direct.

Powers of corporation.

SEC. 5. Said corporation shall not at any time contract debts to an amount exceeding the capital stock of said company.

SEC. 6. This act shall take effect immediately.

Approved, April 1, 1854.

Act to amend Chapter one hundred and forty-seven, entitled "An Act to incorporate the Shullsburgh Branch Railroad Company." Approved, February 9, 1850.

Chap. 315

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the third section of chapter one hundred and forty-seven, entitled "an act to incorporate the Shullsburgh branch railroad company," approved February

Amendatory.

ary 9, 1850, of the session laws of 1850, be and the same hereby amended, so that the same shall hereafter read and be as follows, to wit: "The capital stock of said company shall be one million five hundred thousand dollars, and shall be divided into shares of fifty dollars each, and five dollars on each share shall be paid at the time of subscribing."

SEC. 2. That this act shall take effect from and after its passage and publication, and shall be printed by the public printer immediately.

Approved, April 1, 1854.

**Chap. 316** An Act to authorize certain Towns to aid in the construction of the Port Washington and Cascade Plank Road.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Supervisors  
may issue  
bonds.

SECTION 1. The several boards of supervisors of any town through which the Port Washington and Cascade plank road may be located, and of the towns at either end of said road, are hereby authorized to issue the bonds of their respective towns, in a sum or sums not to exceed eight thousand dollars each, to the Port Washington and Cascade plank road company, payable within twenty years from date, with interest at a rate not to exceed eight per cent per annum, payable at any place within or without this state, and the faith and credit of said towns shall stand irrevocably pledged for the payment of said bonds and interest, and said boards of supervisors, whenever it shall become necessary, shall annually levy a tax on the taxable property of said towns, to be collected as other town taxes are collected, to pay the interest which may become due thereon.

Security re-  
quired.

SEC. 2. No bonds shall be issued under the provision of this act until the said plank road company shall have given security to the satisfaction of the board of supervisors of the towns so issuing the same, conditioned that the company shall pay the interest annually on said bonds and the principal when due, and save harmless said towns from the payment of any interest or principal of said bonds.

Register of  
bonds to be  
kept.

SEC. 3. The board of supervisors of each such town shall cause to be kept an accurate register of all bonds issued under the provisions of this act, showing the dates, numbers, and amount thereof, when and where payable, and the amount of interest stipulated therein; and the

all also cause to be kept in the office of the town treasurer of such towns, such books and entries as will fully exhibit all liabilities, receipts, disbursements, and the precise state of indebtedness arising in any manner under this act.

SEC. 4. No bonds shall be issued in pursuance of this act Vote to be taken until a majority of the legal voters of said town, voting on said question, shall have voted in favor of the same, hereinafter provided:

SEC. 5. Whenever ten legal voters in either of said towns Special election. shall request the town clerk of their respective towns, in writing, to call a special election for the purpose of voting on the question of issuing such bonds, said town clerk shall, within ten days after receiving such request, give thirty days notice of such election by posting up notice at least, three of the most public places in such town, which notice shall set forth the object of said election.

SEC. 6. Said election shall be held at the usual places of Place of holding election. holding elections in the respective towns and the voters, going at said election, shall deposit a ballot containing the words, "For the plank road," or, "Against the plank road"; said election shall be conducted and the result thereof canvassed in the same manner as the annual town Form of ballot meetings are by law conducted, and the result canvassed and the return thereof, made by the board of supervisors, shall be recorded on the records of the town, a copy of each record, when attested by the town clerk, shall be received as legal evidence of the result of such election.

SEC. 7. The bonds issued under the provisions of this act shall be signed by the chairman of the board of supervisors of the town issuing the same, and attested by the town clerk.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

Act to amend an Act entitled an Act to incorporate the Michigan and Wisconsin Transit Railroad Company. **Chap. 317**

*We people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The title of said act is hereby amended so as Amendatory section. read as follows: "An Act to incorporate the Lake Superior Railroad Company."

SEC. 2. Section one of said act is hereby amended so that Ibid. the corporate name and style of said company shall be the Lake Superior Railroad Company."

**Amendatory  
section.**

**SEC. 3.** Section four of said act is hereby amended so as to authorize said company to organize and transact all necessary business, whenever one hundred thousand dollars in stock is subscribed, and five per cent thereon actually paid in.

**Ibid.**

**SEC. 4.** Section five of said act be and is hereby amended by inserting after the words "in this state" as follows: "or in the state of Michigan in case that state shall assent to this act."

**Ibid.**

**SEC. 5.** Section eight of said act is hereby amended by inserting therein after the words "on said Lake" as follows: "and also a branch to the Montreal River on Lake Superior, and may also extend its road with one or more tracks from the shore of Lake Michigan, in the county of Mason, in that state, to the city of Detroit, with a branch to the vicinity of Traverse Bay, and such other branches within that state as said state shall permit."

**Organization  
of company.**

**SEC. 6.** The organization of said company by the name and style of the "Michigan and Wisconsin Transit Railroad Company" shall in all things be as valid and effectual as though it had been organized by the name and style of the "Wisconsin Transit Railroad Company." And the said company so organized shall be entitled to all the powers, rights, privileges and immunities, and subject to all the liabilities and conditions of this act, and of the act to which this is amendatory, by the name and style mentioned in the second section of this act, as fully as though organized by the name and style of the "Wisconsin Transit Railroad Company."

**May increase  
capital stock.**

**SEC. 7.** The directors of said company may increase its capital stock, from time to time, to any amount not exceeding the entire sum expended on account of its road and branches, to be divided into shares of one hundred dollars each. And said company may, with the assent of the state of Michigan, provide for the issuing of special stock for any of its road or branches in said state, and for such an amount as shall be deemed necessary for its construction and appurtenances, with one or more tracks, in shares of one hundred dollars each. And the holders thereof may, at such time and place as shall be appointed, elect annually a board of directors, who shall be stockholders in such branch or road, not to exceed nine in number, one of whom shall be elected president, and a majority of whom shall constitute a quorum, and who shall hold their office until their successors shall be elected. Said directors shall have the control and management of such branch or road

and may as such directors, and in the name and style of such branch or road, exercise, enjoy, and enforce, all the rights, powers, privileges and immunities of the act to which this is amendatory, and of this act, and subject to the like restrictions and conditions, so far forth as shall be deemed proper and necessary for the establishment, construction, maintenance, business and affairs of such branch or road.

SEC. 8. The said company shall have power to build, own, and use in the navigation of the lakes and the waters connected therewith, one or more boats or vessels for the purpose of transporting persons or property to and from the ports upon said waters, and to receive such remuneration therefor as it may seem fit and proper, and to exercise all the powers in relation thereto an individual might do. Powers of company.

SEC. 9. It shall be lawful for said company to obtain, by subscription or otherwise, and hold, and the same again to dispose of, the stock, property, bonds, or evidences of debt, of any other rail or transportation company, which shall or may be in any wise connected with the route or business of the said company, or whose business shall be tributary to the business of said company. Company may receive stock, &c. from other companies.

Approved, April 3, 1854.

An Act to legalize the acts of the Commissioners appointed in the year 1853, to improve Sauk River, in the Town of Port Washington, Ozaukee County. Chap. 318

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That all acts of the said commissioners or the acts of a majority of them, for the improvement of Sauk river, in the town of Port Washington, are hereby declared to be legal and binding.

SEC. 2. This act shall take effect from and after its passage.

Approved, April 3, 1854.

An Act to incorporate the Fulton Brick and Earthen Ware Manufacturing Company. Chap. 319

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. G. M. Randolph, J. P. Davis, D. R. Doty, David Davis and Daniel F. Coon, their associates, successors and assigns, are hereby created a body corporate, by Body corporate.

the name of the Fulton Brick and Earthen-ware Manufacturing Company, and by that name shall be and are hereby made capable in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements and hereditaments, and the same to sell, grant, rent, or in any manner dispose of; to contract, and be contracted with; to sue, and be sued; implead, and be impleaded; answer, and be answered unto; defend, and be defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal, and may alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal property, for the use and benefit of said corporation.

**Capital stock.**

SEC. 2. The capital stock of said company shall not exceed twenty-five thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may direct.

**Powers of company.**

SEC. 3. Said corporation shall have power to enter upon any lands they now own or may hereafter own in the counties of Rock and Dane, for the purpose of manufacturing brick and earthen-ware in such form and manner as they shall deem proper, and to sell and dispose of the same at pleasure, may erect buildings and machinery for such manufacturing purposes, to be worked by steam or other power; may, in their corporate capacity and name, make and execute to any person or persons or body corporate or politic, any and all writings, evidence of debt, notes, bonds, mortgages on real or personal property belonging to said company in the prosecution of their business, as security for the loan of money borrowed or due from said company, to any person or persons or body corporate, all of which said company is authorized to do; but this section shall not be so construed as to confer banking powers upon said corporation.

**Affairs, how managed.**

SEC. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the majority

of votes cast shall be directors ; and when any vacancy shall happen from any cause, it shall be filled by the directors of said corporation from the number of stockholders ; the number of directors, and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws.

SEC. 5. The said directors shall annually after their election, elect one of their number president, whose duty it shall be to preside at the meetings of the board ; and in case of his absence at any meeting, the directors present, may elect a president, pro tem. ; the directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management of the property, concerns, business and stock of said corporation as they may deem expedient and proper ; all meetings for the transaction of business for the corporation shall be held at their office, which place shall be fixed by the by-laws, and the manner and times of calling meetings shall be prescribed in the by-laws of said company. The directors shall have power to appoint a treasurer and secretary and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation and define the duties of all officers ; they shall have power to decide the time, manner and proportions in which the stockholders shall pay the money due, or an equivalent therefor, on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable ; they shall have power also to appoint a time certain in each year for the election of directors, but such election shall always be held at the office of said company, upon due notice to the stockholders, of not less than ten days before such election : *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time, upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Directors to elect president

Transaction of business.

Powers of company.

Ibid.

Proviso.

SEC. 6. Books for subscriptions to the capital stock of said company shall be opened at such time and place as a majority of the persons named in the first section of this act may determine ; said books may be kept open from day to day until a sufficient sum of said capital stock shall be subscribed, which sum shall be determined by the persons opening said books.

Books for subscription to be kept.

SEC. 7. When a sufficient sum of said capital shall have been subscribed for, said books may be delivered to such

Election of directors.

subscribers, and the said subscribers shall then proceed to elect the board of directors, as herein provided for, and such directors when so elected shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed twenty-five thousand dollars; and if such capital stock shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-thirds vote of said directors, at a regular meeting thereof, to any amount, not in whole, however, exceeding the said sum of twenty-five thousand dollars.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved, April 8, 1854.

**Chap. 320** An Act to amend the Charter of the Southern Wisconsin Railroad Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Amendatory  
section.

SECTION 1. Section fourteen of the act entitled "an act to incorporate the Southern Wisconsin railroad company," is hereby amended so as to read as follows: it shall be lawful for any judge of the circuit court, or judge or justice of the supreme court, on the application of said company, and at its cost and charge, to appoint as appraising commissioners three disinterested persons, each of whom shall be a resident either of the county of Rock, Green, Lafayette or Grant. After such commissioners shall have been duly appointed, others may and shall from time to time be appointed by either of the officers above named, as need or occasion may require upon application of said company, in either of the following cases: 1st. When any one of the persons theretofore appointed shall cease to be a resident of either of the counties above named. 2nd. When such person shall decline to act, or to further act as said commissioner. 3d. When such person shall neglect, or fail to act, or to further act as such commissioner, for the space of eight days after being requested to so sit by the chief engineer or attorney of said company. 4th. When such person shall resign his said appointment. 5th. When such person shall die, or be imprisoned, become insane, or shall from other cause become incapacitated, or unable to in proper manner discharge the duties imposed by such appointment. Before any such first appointment as aforesaid shall be made, said company shall give notice to all



whom it shall or may concern, that an application by said company will be made at a time, place, and before a judge or justice in such notice named, for the appointment of three appraising commissioners as provided in this section. Such notice shall be published for three successive weeks prior to the time set for hearing such application, in a weekly newspaper in each of the counties above named, if there be such paper printed therein; and the affidavit of the publisher or printer of such newspaper of the fact of publication, shall be sufficient legal evidence of such publication. The judge or justice named in the notice, may condemn or adjourn the hearing of such application for such length of time as he shall think fit, not exceeding in the whole thirty days. Each person appointed as in this section provided, before entering upon the discharge of the duties devolving upon him, shall take an oath, in substance, that he will faithfully and impartially, according to the best of his ability, examine the land taken or required by said company under and pursuant to its charter, and that he will estimate and appraise the value of the same, and determine the amount of compensation which the owner or owners thereof ought to have and receive, for such property; and for the damage or injury sustained, or which may be sustained by such owner or owners, by reason of the taking and using such land by said company, over and above the benefits and advantages which such owner or owners has derived or may derive by occasion of the construction of said railroad. Such oath may be administered by any officer authorized to administer oaths.

After said commissioners are sworn as aforesaid, it shall be, and is hereby made their duty to view and examine the land taken or required by said company, with the building and improvements if any thereon, and to estimate the value of the land so taken, to be taken or required by the said company, and determine the amount of compensation which the owner or owners thereof ought to have and receive for such property, and for the damage or injury sustained, and which may be sustained by such owner or owners, by reason of the taking and using such land by said company over and above the benefits and advantages which such owner or owners, by reason of the taking and using such land by said company over and above the benefits and advantages which such owner or owners has derived or may derive by occasion of the construction of such railroad, and the operation of the same,

Commissioners to view land, and decide on amount of compensation.

or of works appertaining thereto, taking into consideration the advantages as well as disadvantages accruing to such owner or owners, by means of the construction and operation of said rail road. And when so done the same shall be by said commissioners reported in writing, under the hands of said commissioners (or a majority of them,) to the circuit court of the county wherein the land is, or lands are situate. Such reports shall from time to time be made, and shall be deposited with the clerk of the circuit court of the proper county, who shall file and carefully preserve the same in his office. Such reports shall be so as aforesaid made and deposited within thirty days after the appointment shall be fully completed in any county. In case no appeal shall be taken or made within thirty days after the filing of such report, then the said clerk shall record the same at the expense of said company, and said court shall enter judgment thereon on motion of either party at any term of said court.

In case of disagreement as to value of land.

Said commissioners shall have power under the provisions of this section, to do the things required of them in every case when the said company cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid therefor, or when by reason of the legal incapacity, non-residence of, or absence from the State of any such owner or owners, no such agreement or purchase can without delay be made.

Company or owners of land may appeal from decision of commissioners.

Said company, or such owner or owners as aforesaid, may appeal from the decision of said commissioners to the court aforesaid, within thirty days after filing of said commissioners report in the office of the clerk of said court, and the matters of fact determined by said commissioners shall be determined upon such appeal by a jury, and the jury for such purpose empanelled shall be sworn to, and shall render a true verdict according to the evidence, of the value of the land so taken or required by said company, and the compensation to be paid to such owner or owners by said company therefor and by reason of the taking of said land in the whole, over and above the benefits and advantages which will accrue to such owner or owners from the construction and operation of such rail-road. Upon the verdict by the jury thus rendered the court shall enter judgment in accordance therewith.

Commissioners must give notice to owners of land before they can

The aforesaid commissioners shall in no case proceed to determine the value of the land or materials, or the compensation to be paid as aforesaid, in the absence of the owner or owners of such land, his, her or their agent or at-

torney, unless there has been previously thereto at least five days notice given to such owner or owners, his, her or their agent or attorney, of the time and place at which such proceedings would be had, or unless such owner or owners is, or are, absent from this state, and having no agent or attorney, known, to said company, residing therein, or unless such owner or owners shall be minors or *non compos mentis*. determine the value.

Such notice as aforesaid may be made upon the guardian or trustee of any minor, and upon the guardian, trustee or committee of any person *non compos mentis*, if within this state, and such service shall be valid and effectual, and shall be binding upon the owner or owners in like manner as though such minor or *non compos mentis* person were of full age and of sound mind. In all cases where notice cannot be given, or served as aforesaid, said company shall cause to be published for three successive weeks in a newspaper printed in the county where the lands lie, if any such is printed, and if not, then in such paper printed at the capital of this state, a notice to such owner or owners, that, at a time and place therein designated, said commissioners will proceed to and determine the value of the land and materials required as aforesaid, and the compensation to be paid therefor by said company as hereinbefore provided. Service of notice on guardians, &c.

Upon the making and filing of any report as aforesaid and payment or legal tender of the amount to be paid (as by said commissioners determined as aforesaid) to the owner or owners of any such lands, or to his, her or their agent, attorney, guardian, trustee, committee or legal representatives, the said company, its agents, workmen, or the contractor or contractors for making or repairing said railroad, may immediately take and use the same without awaiting the determination of any matter to be disposed of upon any appeal made or taken as hereinbefore provided. Making and filing report.

SEC. 2. This act shall take effect upon being printed after the passage thereof.

Approved, April 3, 1854.

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An Act to amend an Act entitled an Act to incorporate the Black River Lumbering, Booming and Driving Company. Approved February 21, 1854. Chap. 321

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That so much of an act entitled an act to incorporate the Black River Lumbering, Booming and Driving Amendatory section.

ving Company, approved February 21st, 1854; as gives said company the power to boom Black River, south or below the south line of section five, in township sixteen, range seven west, is hereby so amended that said company shall not have the right or power to boom said river below the said last mentioned point.

SEC. 2. All acts and parts of acts inconsistent with, and conflicting with, the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect, and be in force, from and after its passage.

Approved, April 3, 1854.

**Chap. 322**    An Act to incorporate the Saint Louis Falls and Nemadji Railroad Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Body corporate.

SECTION 1. R. R. Nelson, Otis Hoyt, D. A. Robertson, F. K. Bartlett and D. A. J. Baker, are hereby created a body corporate, by the name, style and description of the Saint Louis Falls and Nemadji River Railroad Company, with perpetual succession, and by that name shall be and are hereby made capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a railroad, as hereinafter set forth, and the same to lease, sell, grant, or in any manner dispose of; to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended; and also to make, have, and use a common seal, the same to alter or renew at pleasure, and generally may do and perform, all and singular, the acts and matters which to any corporation shall lawfully appertain to do and perform for the well being of said corporation.

Capital stock.

SEC. 2. The capital stock of said corporation shall be one million dollars, and shall be divided into shares of one hundred dollars each; and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for receiving subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscriptions; which books shall be opened within three months from the passage of this act, at such place or places as they may deem expedient, by giving ten day's notice in a newspaper published in the county of Saint Croix, of the

time and place of opening said books, or by notice in writing, or by agreement of a majority of the said corporators, as they may elect.

SEC. 3. So soon as twenty thousand dollars or more of the capital stock of said corporation shall be subscribed, and five dollars on each share paid thereon, the above named corporators, or a majority of them, shall give notice to the stockholders in such manner as they may determine of the time and place for holding a meeting of the subscribers or stockholders to choose directors for the said corporation; and the said stockholders may at such meeting proceed to elect not less than five nor more than fifteen directors from the said stockholders, by ballot; each share of stock shall be entitled to one vote; and the corporators mentioned in the first section of this act, or such of them as are present at the said meeting, shall be inspectors of such election, and shall appoint the time and place for holding the first meeting of the board of directors, at which meeting a majority shall form a quorum competent to transact the business of said company; and thereafter an election of directors shall be held annually, at such time and place as the stockholders shall at their first meeting determine; and in case the stockholders shall fail to appoint the time and place of said meeting, and shall give thirty days notice in a newspaper published in either of the counties of Douglass or Saint Croix, of such meeting; and in case no election is held on the day appointed, the same may be held at another time, on notice as aforesaid and until such election is held, the directors of the preceding year shall continue to act until an election has been held, and other directors elected in their stead: *Provided*, That in case of vacancy, from the death, removal or resignation of any director, such vacancy may be filled by a majority of the board of directors.

Time and place for holding meeting of stockholders.

Election of officers.

SEC. 4. The affairs of said company shall be managed by a board of not less than five nor more than fifteen directors, who shall be chosen annually by ballot, as herein prescribed, by the stockholders of said company, the votes to be delivered in person, or by proxy duly authorized, which directors shall appoint one of their number president and one vice president, who shall respectively serve for one year, or until other directors are elected.

Affairs of company, how managed.

SEC. 5. A majority of the board of directors shall be a quorum for the transaction of any business; they shall meet at such times and place, and be canvassed in such manner as they shall decide upon; they shall elect by bal-

Transaction of business.

lot one of their own number to be president, who shall, when present, preside at all meetings of the directors and stockholders, and when absent, the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a president pro tem, who shall discharge the duties of president during the absence of president and vice president; the said directors may appoint a secretary, treasurer, and such engineers, superintendents, agents, and other officers, as they may find necessary, fix their compensation, and may demand adequate security for the performance of their respective duties and trusts, and may fill any vacancy which may occur in their own board; the directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books, under their own direction, or under the direction of a majority of them, or under the direction of such person or persons as they may designate; they shall prescribe the time, manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalment so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, co-partnerships or corporations whatsoever, as the execution and management of the works, convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing or purchasing the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company; and in general to superintend and direct all of the appropriations, receipts, disbursements, and all other affairs and proceedings of said company.

**Shares of stock transferable.**

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such manner and form, at such place, and under such regulations, as shall be prescribed by the by-laws of said company.

**Statement of affairs to be made annually.**

SEC. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to them a complete statement of the af-

airs and doings of the company for such year. Special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

SEC. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from some point at or near the mouth of the Nemadji river, in Douglass county, to such point at or near the Falls of the Saint Louis river, in Douglass county, as shall be determined upon by the board of directors; and the said company shall have power to transport, take and carry property and persons upon such road, by any power and force whatever, and to make, construct and put in operation all such turn-outs, side-tracks and connecting tracks as they shall think will promote the interests of the company; and to erect and construct all such depots, station-houses, warehouses, car-houses and shops, engine-houses and shops, toll-houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it; to manufacture or purchase all necessary engines, tenders, cars and other conveniences for running said road; and they shall have power to connect the said railroad with any railroad or branch railroad in this state, and to operate the same in connection with such other railroad or branch railroad, to lease or purchase from any other railroad company, the whole or any part of any railroad or branch railroad, owned by such company; or to lease or to sell to any other the whole or any part of the railroad to be built or owned by this company. Powers of company.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity, to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any laws on the subject of usury, in this state or any other state where such transactions may be had, to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount and kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that it may incur in. May borrow money.

the construction, repair, equipment or running of said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said company, are hereby ratified and confirmed, and the contracts and official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

**Time allowed  
to commence  
road.**

SEC. 10. If said corporation shall not, within three years from the passage of this act, commence the construction of said road, then the rights, privileges and powers of said corporation under this act shall be null and void.

**May enter up-  
on lands.**

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such land, not exceeding two hundred feet in width, along the line of said road, subject however to the payment of such compensation as the company may have to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized, by their officers, engineers, agents and servants, to enter upon land adjacent to the railroad, beyond the limits of two hundred feet, in the manner provided in this act, when necessary for the purpose of erecting depot-buildings, station houses and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains, and giving a proper direction to water-courses, across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth, gravel and stones, taken from cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage; and all damage which shall be done to any lands or property, under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damage shall have been paid or tendered, the title to the lands occupied by such buildings, fixtures, excavations and embankments, shall vest in fee simple in said company, or agreeable to the provisions of



this act; and it shall further be lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to said road, for the purpose of procuring earth, gravel or other materials for embankments and structures necessary for the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

SEC. 12. The said company shall have the right to enter upon any lands required for their use as provided in this act, and to survey and lay out said road, not exceeding two hundred feet in width, and the said company shall, if possible, agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disabilities, then with the guardian of such person or the husband of such married woman; and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitrators in the manner following; to wit: the said company shall select a disinterested arbitrator, and such owner, guardian or husband, shall select another, who shall be disinterested and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company so to do, or if they be non-residents of this State, they shall be notified by mail, by letter, signed by the secretary, and addressed to their usual place of residence, to select such arbitrator, and if they shall refuse or neglect, for the space of sixty days after mailing such letter, then in all cases of neglect and refusal, as aforesaid, the judge of the circuit court of the county in which such lands shall lie, shall appoint three competent persons to act as arbitrators, or if the two arbitrators selected by agreement of parties cannot agree, the judge as aforesaid shall appoint a third person, who shall not be of kin to the claimant, or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company, to such persons for the land so taken, and shall deliver a copy of their award in writing, to each of the parties, and if the amount

Compensation  
for land.

In case of disagreement, arbitrators to be appointed.

awarded by said arbitrators, shall be more than said company shall have previously offered to pay, then said company shall pay all the expenses of said arbitration, and if it shall be less, then the other shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same to the circuit court of such county, by giving written notice of such appeal, to one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainants, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration; and the said court shall thereupon proceed to render judgment in favor of such claimant, against said company, and if the account so found for such claimant, shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs; and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs, and against said claimant; and when such compensation so to be ascertained, according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said company, in fee simple, and a copy of such award or judgment, filed in the office of the register of deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay, the compensation ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said lands, for all the lawful purposes of said corporation, and they shall not while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by and proceeding, either at law or equity.

Company may  
fix rates of  
freight.

SEC. 13. On the completion of said railroad on any section of the track, not less than one mile, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall from time to time think reasonable.

SEC. 14. For the convenience of persons owning or possessing land through which said railroad shall pass, it shall be the duty of said company, when organized, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary, to enable the occupants of said land to pass over or under the same, with wagons, carts and implements of husbandry, as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage way for each farm, and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway, and that said company shall have the right and authority to construct the said railroad upon and along, across, over or under any public or private highway, road or street, and over any stream of water, or water-course, if the same shall be necessary.

Company to make a passage over and under railroad.

SEC. 15. Any person who shall wilfully and maliciously place any obstructions or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing of such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of placing such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of breaking or injuring said road, whereby death may be produced, the party so offending may be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such case made and provided.

Penalty for injuring road.

SEC. 16. The said company shall have power to erect bridges over any river or stream, as said company may deem proper for the use of said road.

May erect bridges.

SEC. 17. This act shall be in force from and after its passage; and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad, for the purpose of procuring earth, stone or other materials for the

May purchase lands.

construction and repair of said road or buildings, and fixtures connected therewith; and whenever such land shall no longer be needed for the purpose aforesaid, the said company are hereby authorized to sell and convey the same.

**Declared to be a public act.** SEC. 18. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin, shall be received as evidence thereof.

**May increase capital stock.** SEC. 19. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said railroad.

**May erect fences.** SEC. 20. The said company, before opening their road through enclosed grounds, shall erect such fences as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence, on both sides of said road, through all such enclosed grounds, and shall maintain the same.

Approved, April 3, 1854.

## Chap. 323

An Act to incorporate the Air Line Rail Road Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Body corporate.** SECTION 1. Charles A. Eldredge, Isaac S. Tallmadge, B. S. Weil, Baltus Mantz, M. J. Thomas, H. K. Laughlin, George McWilliams, John B. Macy, John Bannister, John B. Wilbur, M. C. Darling, A. G. Buller, T. D. McCarty, Coles Bashford, L. M. Miller, Curtis Reed, James D. Doty, J. F. Loy and Otto Tank, and their successors and associates, to be determined, as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the Air Line railroad company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break or renew the same at plea-

**Name and style of company.**

**Their powers.**

are; and by that name they may sue and be sued; plead, and be impleaded; answer, and be answered; defend, and be defended; contract, and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places by publishing the same in a newspaper printed in the county of Fond du Lac, and shall require five dollars on each share of stock subscribed to be actually paid in at the time of subscribing. Capital stock.

SEC. 3. The said above named persons shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided, and as soon as five hundred shares of the capital stock of said company shall be subscribed, and five dollars on each share actually paid in, the said directors shall close the books of subscription and receive no more subscriptions until after the election of directors by the stockholders, and they shall immediately give not less than thirty days notice in a newspaper as aforesaid of an election of nine directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected. First directors.

SEC. 4. All the affairs of said corporation shall be managed by a board of nine directors, who shall be stockholders, or of such other number not more than fifteen or less than five, as shall be previously specified in the notice of the election, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The Affairs, how managed.

directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at any other time on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election.

**Transaction of  
business.**

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president and one to be vice president, who shall respectively serve for one year or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and when absent the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a president, pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and such other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate, to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments, as also all previous payments thereon, and also in their discretion on the request of any stockholder to cancel his stock, and to refund to such stockholder the amount

aid by him, or any part of it. The directors shall have Tolls, &c. power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing of the whole or any part of any railroad, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company, the whole or any part of the railroad of this company; to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution and laws of the United States and of this state, as they shall think proper, for the well ordering of the affairs of said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

SEC. 6. All shares of stock in this company owned by Stock transfer- any person, shall be deemed personal property, and shall be transferable in such manner and form at such place and under such regulations as shall be prescribed by the by-laws of said company.

SEC. 7. Special meetings of the stockholders may be May call spe- called by order of the board of directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

SEC. 8. The said company shall have power to locate Powers of and construct a railroad with one or more railways or company. tracks from such point in the city of Milwaukee to the village of West Bend, thence to the city of Fond du Lac, thence to Oshkosh, thence to Menasha, and thence to Green Bay, in Brown county, as shall be determined upon by the board of directors; and the said company shall have power to transport, take and carry, property and persons, upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make and construct all such turnouts, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct, and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said com-

pany, and its road, and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad, and they shall have power to connect the said road with any other railroad in this State, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner; and to transport persons and property in boats, vessels and barges on Lake Winnebago, and the rivers connecting therewith, and to receive and collect reasonable compensation for the same.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom such money may be obtained, any law on the subject of usury in this State, or in any other State, where such transactions may be made, to the contrary notwithstanding, and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver at private or public sale, in or out of this State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporations and upon all other parties to such contracts.

May construct  
road over or  
under a public  
or private  
highway.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plank road or railroad, if the same be necessary, but the same company shall restore such highway, road, street, plank road or railroad to its former state, so as not



to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all necessary bridges for the use of their said railroad, over any stream of water or water course at such points of crossing, the same as they shall locate the said road, with all necessary abutments, piers or other foundations.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such lands are located, decide and declare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided, and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same, and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

May enter upon lands.

Exempt from  
taxes until  
road is com-  
pleted.

SEC. 12. In case the said company shall locate the line of the railroad on any lands belonging to the state, the said lands, not exceeding one hundred feet in width along the line of said road, together with such other land adjacent to the line of said railroad, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such land is located, and in the office of the secretary of state, decide and declare to be necessary for the use of said company for any of the purposes mentioned in the next preceding section, are hereby granted to said company in fee simple, and the said company shall be exempt from all taxation until said road shall be completed and have declared a dividend.

In case of dis-  
agreement.

SEC. 13. The said company shall, if possible, agree with the owner or owners of any and all lands upon which by the provisions of this act they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien, or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos*, or insane person, or husband of such married woman; and if said company can not agree with such owner, guardian or husband, said company shall by its agent offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as said company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the fourth judicial circuit, either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners by publishing the

same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian or husband, if resident of the county in which such land shall lie, and if not, they shall deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more than the other party shall pay such costs; and either party may within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the said court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or in-

cumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy, and enjoyment by any proceeding either in law or in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Persons qualified to act as witnesses.

SEC. 14. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror, in any such suit or proceeding, for the reason that such person is a stockholder in said company.

Rates for transportation of persons, &c.

SEC. 15. On the completion of said railroad or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property and the storage of property as they shall from time to time think reasonable.

Penalty for injuring road.

SEC. 16. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved, April 3, 1854.

An Act to provide for laying out a State Road from Portland, in the county of Dodge, to Prairie du Sac, in Sauk County. **Chap. 324**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Elijah Lees, John Ramsey and J. McCloud, be, and are hereby appointed commissioners to lay out and establish a state road commencing at the village of Portland, in the county of Dodge, thence running by way of Elijah Lees' farm, in section 21, town 10 north, range 11 east, and the village of Lodi, to Prairie du Sac, in Sauk county.

SEC. 2. That no part of the expenses for laying out said road shall be paid out of the state treasury.

Approved, April 3, 1854.

An Act to incorporate the Winnebago Lake Plank Road Company. **Chap. 325**

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Adolphe Hennig, William Daugherty, Warren Morley, Eamaid Durkee and Edw. Wright, are hereby created a body corporate, by the name, style and description of the Winnebago Lake plank road company, with perpetual succession, and by that name shall be and are hereby made capable in law, to purchase, hold, enjoy, retain to them and their successors, lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a plank road, as hereinafter set forth, and the same to lease, sell, grant, or in any manner dispose of, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended; and also to make, have and use a common seal, the same to alter or renew at pleasure, and generally may do and perform all and singular the act and matters

Body corporate.

which to any corporation shall lawfully appertain to do and perform for the well being of said corporation.

**Capital stock.** SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, and the above named persons or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient, and so soon as three hundred shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

**Time and place for holding meeting.** SEC. 3. The said corporators, or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders, for the purpose of electing five directors, who shall hold their office until their successors are elected, and annually thereafter; upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said corporators, above named, upon the subscription of three hundred shares of stock and the organizing of said corporators, by the election by them of one of their number president, shall have all the powers, and perform all the duties of a board of directors for said company, and the corporate existence of said company, shall be taken and held to have began and be completed as if a regular election of directors had taken place, and in case of vacancy at any time happening in the board of directors, or in the said board of corporators, acting in the capacity of directors, the board shall have power to fill such vacancy.

**Affairs, how managed.** SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders in person or by proxies, duly authorized, and in all elections and in all discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the even persons having the greatest number of votes cast for directors, shall be declared duly elected.

**Majority to form a quorum.** SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organ-

ize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of the State, when duly recorded in the books of the company; shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

SEC. 6. The said board of directors shall have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such instalments as may be called for, and also to accept, in behalf of the company, a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same valid releases, discharging them from all liabilities thereafter, for or on account of the act of said company or its officers. Powers of directors.

SEC. 7. The said directors shall have power to regulate tolls, and make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work and convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates of the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company; and such certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. May regulate tolls, &c.

Sec. 8. The said company shall have power to locate and construct a single or double track road from any point within the city of Fond du Lac, in the county of Fond du Lac, to the city of Oshkosh, in the county of Winnebago, by and near as practicable on the road now known as the Lake Shore road, running from said city of Fond du Lac to said city of Oshkosh, as the directors shall decide. The track of said road shall be constructed of plank, stone, Line of road.

gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of waggons and carriages.

May enter upon lands.

SEC. 9. It shall and may be lawful for said company, their officers, engineers or agents, to enter upon lands, for the purpose of exploring, surveying and locating the route for said plank road, doing thereto no unnecessary damage; and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation, as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in no such case as may be necessary for the company to obtain gravel or stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

In case of disagreement as to amount of compensation.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein, and in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named, and of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of seven jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him, her or them, strike off each two of said jurors, and the remaining three shall act as a jury of in-



quest of damages. Before they act as such, the said justice of the peace, shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon, shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court, of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of land in question, and the value thereof, as aforesaid, and such valuation, when paid, together with costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken, shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest, to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had, at least five days notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or *non compos mentis*, or absent from the county in which such land is situated. Such service of notice, may be made upon the guardian or trustee, the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may, in every such case, appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

May construct road along or upon any road or highway.

SEC. 11. The directors shall have power in their discretion, to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine. *Provided*, They procure, by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company, to such supervisors, therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of said town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll gates, and exact toll from persons traveling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile, for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat fat cattle, four cents per mile. *Provided*, Persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid.

Proviso.

May receive real or personal property for stock.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security, subject to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders, paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company, interest, at the rate of twelve per cent per annum, for a period not exceeding ten years, and

to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals or to their order or assigns.

SEC. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending shall, each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment or either, at the discretion of the court. Penalty for injuring road.

SEC. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate, without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage or animal, turn out said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum, not exceeding ten dollars, to and for the use of said company, and also for all damages. Penalty for refusing to pay toll.

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same. May increase capital stock.

SEC. 16. If said corporation should not within three years from the passage of this act, commence the construction of said plank road, and expend two thousand dollars or more thereon, then the rights, privileges and powers of the said corporation, under this act, shall be null and void. When powers of corporation null and void.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence thereof.

Approved, April 3, 1854.

**Chap. 326** An Act to amend an Act entitled "An act to consolidate and amend the act to incorporate the City of Milwaukee, and the several acts amendatory thereof."

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Amendatory section.**

SECTION 1. The twelfth section of chapter seven, of the act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852, is hereby repealed.

**Street commissioners may remove nuisances.**

SEC. 2. The aldermen of the first ward of the city of Milwaukee, acting in their capacity as street commissioners, in and for said ward, may, if they shall deem fit and proper, declare the ground or tract of land covered with water in said ward, and known as the Bayou; situated north of Oneida street, and between River street on the west, and blocks fifty-one, fifty-two, fifty-three and fifty-four on the east, and extending north to Division street, partly covering the lots in blocks one hundred and fifty-three, and one hundred and forty-eight, to be a public nuisance, and they may order the said Bayou or nuisance to be abated, by filling either the whole, or such part thereof as said aldermen may determine. And in case said nuisance be not abated by the owner or owners of said grounds or lots covered with water, within the time limited in the order duly published by said street commissioners for that purpose, then said street commissioners may contract for the abatement of such nuisance, by filling said grounds or lots in the same manner as they are now authorized and empowered by law and the ordinances of said city, to abate nuisances in like cases. *Provided, however,* Said aldermen shall not declare the said Bayou a public nuisance, nor shall they order it filled, except the same be requested in a petition addressed to said aldermen, and signed by the inhabitants living on the lots adjacent to, and in the immediate vicinity of said Bayou.

SEC. 3. The expense of filling said Bayou, and abating said nuisance, shall in no event become a charge against the city of Milwaukee, or either of the wards therein, but the same shall be charged upon the grounds or lots so filled, and shall be certified to be so assessed and collected in the same manner as the expense of filling streets and lots, and abating nuisances are now in like cases certified to, assessed, and collected by law; and for the expense of filling that part of said Bayou lying between.

Oneida street on the south, and Division street on the north, said aldermen as street commissioners, shall issue certificates to the contractor, on portions of the same, corresponding in width to the lots abutting on said Bayou, in blocks fifty-one, fifty-two, fifty-three and fifty-four, and extending across said Bayou to River street, whenever such portions of said Bayou shall be filled by such contractor, to the established grade, and duly certified to by the city engineer.

SEC. 4. The south half of section fifteen, and so much of section sixteen in township seven, north of range twenty-two east, as lies east of Milwaukee river, in the first ward of the city of Milwaukee, shall be included for the purposes of taxation, and shall be taxed in the same manner that other lands mentioned in section twenty-three of chapter eight of the act of which this is amendatory, are taxed: *Provided, however,* That should any street or streets through said lands first above mentioned, be ordered graded, and the side walks thereon to be constructed, then the expense of constructing such street and side-walks, shall be chargeable to such lands on either side of such street, and shall be certified to, assessed, and collected in the same manner as the expense of constructing streets and side-walks in other parts of the city, is now charged and collected by law. Taxes.

SEC. 5. This act shall take effect, and be in force from and after its passage.

Approved, April 3, 1854.

An Act to incorporate the United States Insurance Company.

Chap. 327

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns shall be and are hereby constituted and made a body politic and corporate, by the name and style of the United States Insurance Company, and by that name shall have perpetual succession, and shall have all the privileges, franchises and immunities incident to a corporation; they may make, have and use a common seal, and alter break and renew the same at pleasure; and by that name may sue and be sued; plead, and be impleaded; answer, and be answered unto; defend, and be defended; Body corporate.

contract, and be contracted with, and generally may do and perform all and singular the matters, acts and things which to any like corporation it shall lawfully appertain to do and perform for the well-being of the corporation, and the lawful transaction of its business.

**Capital stock.**

SEC. 2. The capital stock of said company shall not exceed eight hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The payment of the stock subscribed shall be made and computed by the subscribers respectively at the times and in the manner following, that is to say, after the election of the directors, and before the company shall go into operation, there shall be paid into the treasury of said company ten dollars upon each and every share of stock subscribed, and the balance upon each share subscribed shall be subject to the call of the directors; and the said company shall not be authorized to make any contract or policy of insurance or otherwise proceed in the transaction of its business until one thousand shares of the capital stock thereof shall be subscribed, and ten per cent. thereon actually and in good faith paid in, and the balance of the whole amount subscribed secured by approved notes, hypothecated stocks or mortgages on real estate, to the satisfaction of the board of directors.

**Affairs, how managed.**

SEC. 3. The business and affairs of said corporation shall be managed by nine directors, and such other officers and agents as the said directors may from time to time appoint. The directors shall be stockholders, and shall be chosen as hereinafter provided. The directors first elected shall immediately thereafter divide themselves by lot into three classes of three each. The term of office of those directors constituting the first class shall expire on the first Monday of February following their election. The term of office of those constituting the second class shall expire on the first Monday of February in the following year thereafter; and the term of office of those constituting the third class on the first Monday of February in the following year thereafter: *Provided*, That nothing herein contained shall permit the re-election of a director, and that all directors shall hold their offices until their successors shall be duly elected; an annual election for three directors shall be held on the first Monday of February in each year, at such place in the city of Milwaukee as the board of directors shall appoint. The polls of such election shall be opened at such hour and remain open for such length of time as the board of directors shall by its by-laws or by resolution

direct. Notice of such election shall be given in some public newspaper published and circulated in the county of Milwaukee, at least two weeks previous to such election, which notice shall specify the time of opening and closing the polls thereof; such election shall be held under the direction of three inspectors, who shall be stockholders, and shall be appointed by the board of directors, who shall make and file in the office of said company, a certificate showing the number of votes received by each person voted for, and stating who are elected directors; and directors shall be elected by a plurality of the votes of the stockholders present, and voting at such election, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock held by him or her. The term of office of the directors elected after the first election shall be three years.

SEC. 4. It shall be the duty of the directors on organizing, and annually thereafter, to choose from their number a president and vice-president, and they may appoint a secretary and treasurer, and such other officers and agents as may be necessary for the transaction of the business of the corporation. In the absence or inability of the president, the vice-president shall be authorized to perform all his duties. Organization.

SEC. 5. John B. Smith, Moses Kneeland, James B. Marin, Luther M. Tracy, Edwin Townsend, Thomas R. Rodlis, George D. Dousman, James H. Rogers, John Plankington, Daniel O. Dickinson, Samuel S. Daggett, Henry J. Palmer and Charles E. Wendt, are hereby appointed commissioners under the direction of a majority of whom subscriptions to the capital stock of said company shall be received, and when so much of said stock shall be subscribed as is required in the second section of this act; the said commissioners or a majority of them, shall cause the books for subscriptions to be closed, and shall call a meeting of the stockholders by advertisement published at least one week previously in a newspaper published in the county of Milwaukee, stating the time and place at which such meeting shall be held; and the said stockholders shall at such meeting, by ballot, elect the first directors of said company. The said commissioners, or so many of them as shall be present, shall act as inspectors of each election. In case it shall happen at any time that an election of directors should not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, but it shall Commissioners.

and may be lawful on any other day to make and hold an election of directors in such manner as shall be regulated by the by-laws of said company.

Powers of corporation.

SEC. 6. The corporation hereby created shall have full power and authority to make all kinds of insurance against losses by fire, and the perils of the ocean, on goods, wares and merchandize, and property in the course of transportation, whether happening on land or on water; to make all kinds of insurance upon lives, and upon fruit and ornamental trees; and to make such other insurance upon ships, steam boats and other vessels and their cargoes, goods, wares and merchandize, produce, gold and silver coin and bullion; also on lumber, whether shipped by rafts, floating, or by any other means of transportation; and the said company may at all times when deemed prudent by them, cause themselves to be insured and re-insured against losses by fire, maritime and other risks, upon any interest which they may have in any vessel, ship or steam boat, their cargoes, goods, wares and merchandize, against all losses it may incur, by reason of any insurance by said company, whether by fire, the perils of the ocean, or seas, or inland navigation and transportation.

Stock transferable.

SEC. 7. The stock of said company shall be deemed and shall be personal property, and shall be assignable and transferable according to such rules, regulations and restrictions as the board of directors shall from time to time make and establish, subject, however, always to the laws of this state as the same now exist or as the same may be changed.

May purchase and hold real estate.

SEC. 8. It shall be lawful for the said company to purchase and hold such real estate as may be convenient for the use of its business, not exceeding twenty-five thousand dollars in value; also to take and hold any real estate as security, or any lien or mortgage therein to secure the payment of any debt due to the company, either for shares of capital stock, or otherwise; also to purchase real estate at any sale made by virtue of any judgment at law or decree in equity, recovered by or made in favor said company, to receive and take in satisfaction of any debt due to said company any real estate, and hold the same to the use of said company so long as the interests of the company may be promoted by holding the same; said company shall not, however, employ any part of its capital stock in purchasing or selling goods, wares or merchandize.

Contracts of insurance binding.

SEC. 9. All policies or contracts of insurance which may be made by the said company, shall be subscribed by the



resident or vice president, and by such other officers as shall be designated for that purpose by the by-laws of the said company, and attested by the secretary, and when so signed and attested, whether under seal or not under seal, shall be binding on the company according to the tenor, true intent and meaning thereof.

SEC. 10. It shall be lawful for the directors of said company to make dividends from time to time of so much of the profits of said company as they may deem advisable; but the dividends shall not at any time exceed the clear profits made by the company, and the capital stock shall be and remain unimpaired; and if the said directors shall at any time knowingly make a dividend of the capital aforesaid they shall be individually liable for the proportion of the stock so divided, and an action of assumpsit or debt may be brought against them or any of them in any court of record in this state by any creditor of said company, and each director present, when such dividend shall be made, shall be adjudged consenting thereto unless he shall forthwith protest in writing against such dividend, and request his protest to be entered in the minutes of said company, and within ten days thereafter give notice to the stockholders of the declaring of such dividend, by advertising his protest in some newspaper, published in the county of Milwaukee. May make contracts.

SEC. 11. The office of said company shall be kept in the city of Milwaukee. This act is hereby declared a public act and shall be construed as such, and shall take effect and be in force from and after its passage. Office, where kept.

Approved, April 3, 1854.

An Act to incorporate the Calamine and Mississippi Railroad Company.

Chap. 328

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Moses M. Strong, Robert S. Schuyler, Charles Temple, John J. Ross, Francis Vivian, Henry M. Billings, Nathan Olmstead, James H. Earnest, Garwood Green, Charles Dunn, James H. Knowlton, David W. Kyle, Benjamin Allen, Samuel Honda, Nelson Dewey, H. D. York, Asahel Finch and Jackson Hadley, and their successors and associates, to be determined, as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the Calamine and Mississippi railroad Body corporate.

company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break, and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

**Capital stock**

SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places by publishing the same in a newspaper printed in the county of Iowa, and shall require five dollars on each share of stock subscribed to be actually paid in at the time of subscribing.

**First directors**

SEC. 3. The said Moses M. Strong, Robert S. Schuyler, Charles Temple, John J. Ross, James H. Earnest, Charles Dunn, James H. Knowlton, David W. Kyle, Benj. Allen, Samuel Henda, Geerwood Green, Nelson Dewey, H. D. York, Asahel Finch and Jackson Hadley, shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided, and as soon as five hundred shares of the capital stock of said company shall be subscribed, and five dollars on each share actually paid in, the said directors shall close the books of subscription and receive no more subscriptions until after the election of directors by the stockholders, and they shall immediately give not less than thirty days notice in a newspaper as aforesaid of an election of nine directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Sec. 4. All the affairs of said corporation shall be managed by a board of nine directors, who shall be stockholders, or of such other number not more than fifteen or less than five, as shall be previously specified in the notice of election, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election; and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, every stockholder shall be entitled to one vote for each share of stock by him held; and in all elections for directors those stockholders equal to the number of directors to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the laws of the company. If for any cause an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held on any other time on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election.

Affairs, how  
managed.

Sec. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president and one to be vice president, who shall respectively serve for one year or until their directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and when absent the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a third person, pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, assistants, and such other officers as they may find necessary, and shall fix their compensation and duties, and demand adequate security for the discharge of their respective duties and fill any vacancy which may occur in their own

Transaction of  
business.

board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate, to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments, as also all previous payments thereon, and also in their discretion on the request of any stockholder to cancel his stock, and to refund to such stockholder the amount paid by him, or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing of the whole or any part of any railroad, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company, the whole or any part of the railroad of this company; to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution and laws of the United States and of this state, as they shall think proper, for the well ordering of the affairs of said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Tolls, &c.

Stock transfer-  
able.

SEC. 6. All shares of stock in this company owned by any person, shall be deemed personal property, and shall be transferable in such manner and form at such place and under such regulations as shall be prescribed by the by-laws of said company.

May call special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Powers of  
company.

SEC. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks from such point in the line of the Mineral Point railroad, as shall be determined upon by the board of directors, not more than one mile south of the township line,

between townships three and four north, of range three east of the fourth principal meridian, to such point or points on the Mississippi river, between the mouths of the rivers Wisconsin and La Crosse, as shall be determined by the board of directors: *Provided*, the said company shall not extend their road further east than the eastern limits of the counties of Iowa and La Fayette, nor shall said company construct said road within twenty miles of the mouth of the Wisconsin river, or of the village of Prairie du Chien in the county of Crawford: and *Provided further*, that said company shall not exercise the power of constructing any portion of the line of said railroad, or connecting the same with that of the Mineral Point railroad until after the said Mineral Point railroad company shall have returned to the county of Iowa, and have caused the same to be duly cancelled by the board of supervisors of said county of Iowa, the one hundred and fifty thousand dollars in bonds, issued by the county of Iowa, and loaned to the said Mineral Point railroad company to aid in the construction of said railroad; and the said company shall have power to transport, take and carry, property and persons, upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make and construct all such turnouts, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct, and use all such depots, station houses, warehouses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road, and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad; and they shall have power to connect the said road with any other railroad in this State, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner; and to transport persons and property in boats, vessels and barges on the Wisconsin and Mississippi rivers, and to receive and collect reasonable compensation for the same.

SEC. 9. The said company is hereby authorized and fully <sup>May borrow</sup> empowered in its corporate capacity to borrow any sum or money. of money from any person or persons, corporation or body politic of any kind, and for any rate of interest

which may be agreed upon, by and between said company and any party of whom such money may be obtained, any law on the subject of usury in this State, or in any other State, where such transactions may be made, to the contrary notwithstanding, and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver at private or public sale, in or out of this State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporations and upon all other parties to such contracts.

May construct road over or under a public or private highway.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plank road or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plank road or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all necessary bridges for the use of their said railroad, over any stream of water or water course at such points of crossing, the same as they shall locate the said road, with all necessary abutments, piers or other foundations.

May enter upon lands.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the

re of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such lands are located, decide and declare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, other fixtures and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided, and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same, and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which by the provisions of this act they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien, or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall by its

In case of disagreement.

agent offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as said company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the fourth judicial circuit, either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian or husband, if resident of the county in which such land shall lie, and if not, they shall deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more than the other party shall pay such costs; and either party may within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as p'aintiff and the said company as defendant, and the said court shall proceed to ascertain



the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the said court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy, and enjoyment by any proceeding either in law or in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, or shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror, in any such suit or proceeding, for the reason that such person is a stockholder in said company.

Persons qualified to act as witnesses.

SEC. 14. On the completion of said railroad or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property and the storage of property as they shall from time to time think reasonable.

Rates for transportation of persons, &c.

**Penalty for injuring road.**

SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

**Company to erect fences.**

SEC. 16. Said company before opening their road through enclosed ground shall erect such fences as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed grounds, and shall maintain the same.

**First meeting of directors.**

SEC. 17. The first meeting of the directors and of the stockholders of said company shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind, or abolish, any one regulation or by-law of said company.

SEC. 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved, April 3, 1854.

**Chap. 329** An Act to authorize James M. Defrees to construct a Race from Grand River to Fox River.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**May construct and maintain a dam.**

SECTION 1. James M. Defrees, his associates and assigns are hereby authorized and empowered to construct and maintain a dam across Grand river, in Marquette county,

t such point in township number fourteen, north of range number eleven east, as he or they may deem expedient; and to construct a race from said point to Fox river at or near the village of Marquette, for the purpose of creating water power, the same to be used for mill and manufacturing purposes.

SEC. 2. The said James M. Defrees, his associates or assigns shall have the sole and exclusive right to the use of the water power created by such dam and race, and shall have the right to enter upon land in the line of said race for the purpose of locating and constructing the same, doing thereto no unnecessary damage: *Provided*, This shall not be so construed as to release said Defrees and his associates or assigns from any damage that any individual may sustain by the erection of said dam.

Exclusive right of water power.

SEC. 3. In case the said James M. Defrees, his associates or assigns cannot agree with the owners of any lands through which the said race may run, as to the amount of compensation to be paid for damages to such lands, then the question of damages shall be submitted to arbitrators in the following manner: Each party shall elect a disinterested arbitrator, and such arbitrators shall elect another, or if either party shall neglect for ten days after being notified so to do by the other party, or if non-resident of this state, and on being notified by letter addressed to them through the mail at their usual place of residence, to select such arbitrators, and who shall neglect so to do for fifty days after the mailing of such letter, then in all cases of such neglect the circuit judge of the county in which said land lies, shall select such arbitrator, and the said arbitrators shall proceed to make an award of the amount of compensation which shall be paid for such damages, and shall deliver a copy of the award in writing to each of the parties, and either party, within ten days after receiving a copy of such award, may appeal from the same to the circuit court of such county, by giving written notice of such appeal to one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all of their proceedings to said court, and said court shall enter said cause on its docket, in which the claimant of damages shall be plaintiff, and shall proceed to ascertain the amount of damages by a jury, and if the amount found for such plaintiff shall exceed the amount of the award, judgment shall be rendered for the plaintiff for costs, and the award shall remain in force, and when the amount so

In case of disagreement, arbitrators elected.

found by such award or judgment shall be paid or tendered to the party entitled thereto, the same shall be a bar to any action or proceeding at law or in equity for such damages: *Provided*, That nothing in this act contained shall be construed to vest the said James M. Defrees, his associates or assigns with power to direct the waters of the said Grand river to the prejudice of any water power thereon, or so to use said water as to effect injuriously prior rights of proprietors of mill powers on either the said Grand river or Fox river.

**proviso.**

**Sec 4.** This act is declared to be a public act, and shall be in force from and after its passage.

Approved, April 3, 1854.

**Chap. 330** An Act to authorize the Milwaukee and Mississippi Railroad Company to Build a Branch Road.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The Milwaukee and Mississippi railroad company, are hereby authorized and empowered to build and construct a branch road to intersect with the main road of said company, from some suitable and convenient point in the valley of Black Earth creek, in the county of Dane, to some suitable and convenient place in the county of Sauk, at or near Sauk Prairie; and in building, constructing, running and managing said branch road, the company shall have the same power, be subject to the same liabilities and restrictions as said company by its charter, possesses and is subject to in building, contracting, running and managing the main road of said company, and the stock that may be subscribed and taken for building such branch road, shall be placed upon the same basis, and form a part of the track of said company.

**Sec. 2.** This act shall take effect immediately.

Approved, April 3, 1854.

An Act to incorporate the Beaver Dam Manufacturing Company.

Chap. 331

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The following named persons, viz.: James Ludington, George Smith, Geo. W. Chapman, A. G. Van Schaick, and Samuel L. Rose, and all such persons as shall hereafter become associated with them, by subscribing to the capital stock in the corporation hereby created, and their successors and assigns, shall be, and hereby are constituted a body corporate by the name and style of the "Beaver Dam Manufacturing Company," and by that name shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered unto, defend and being defended, in all courts and places whatsoever, in all manner of actions and causes; may have a common seal which they may alter or renew at pleasure; and by that name shall be capable of purchasing, holding and conveying any estate, real, personal or mixed, for the use and benefit of said corporation.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same at any time hereafter to five hundred thousand dollars; and shall be divided into shares of one hundred dollars, which shares and stock shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe.

SEC. 3. Said corporation shall have power to prospect for iron ores, mine, raise and smelt the same; cast, roll, puddle and manufacture all kinds of iron and iron wares of every kind, and sell and dispose of the same at pleasure; may construct such dams, canals, water ways, reservoirs, flumes and races, as may be required in the business operations of said company, and said dams shall be kept and maintained at the same height that they are now constructed, on any lands which may hereafter be owned by said company; may erect buildings, structures, and machinery of every kind, necessary for the purposes of said company, to be moved by water or other power; may lease or sell for grist or saw mills, or for other manufacturing purposes, any surplus water created by the said dams; may make and execute in the corporate name and capacity of said company, to any person or persons, body corporate or politic, and acknowledge the same when required, in due form of law, deeds of conveyance, or leases of lands, woods

or mines, mortgages, bonds, notes, writings and other papers of any kind or amount, as security for the loan of money borrowed, or for any debt due by said company to any such person or persons, body corporate or politic; and for any rate of interest which may be agreed upon between the parties, any law of this state to the contrary notwithstanding.

Affairs, how  
managed.

SEC. 4. The property and affairs of said corporation shall be managed and conducted by a board of five directors, a majority of whom shall form a quorum for the transaction of business, who shall be elected annually, after the present year, by the stockholders, at such time and place, and under such regulations as shall be prescribed by the by-laws, or adopted by resolution of the board of directors; and it shall be the duty of the directors to notify the stockholders of said company, of the time and place of holding the annual meeting for such purpose, by publishing a notice thereof in some newspaper, published in the counties of Dodge or Milwaukee, for thirty days previous to such election, at least once a week; and at all elections each stockholder shall be entitled to one vote for each share of stock held by him in said corporation, and may vote the same in person, or by proxy duly authorized: *Provided*, That no person shall be elected a director who shall not at the time be a stockholder in said company.

First board of  
directors.

SEC. 5. The five incorporators named in the first section of this act, viz: James Ludington, George Smith, George W. Chapman, A. G. Van Schaick, and Samuel L. Rose, are hereby declared to be the first board of directors, whose term of office shall continue for one year from the passage of this act, and until their successors shall be elected as aforesaid; and if for any cause an election shall not be held at the regular time prescribed as aforesaid, the same may be held at any other time, upon thirty days notice given as aforesaid; and this charter shall not be impaired by reason of any irregularity or want of such election; and in case of a vacancy happening in the board of directors, by the death or resignation of any director, such vacancy shall be filled by the remaining members of the board, by the appointment of a director to fill the same. Books of subscription to the capital stock of said company may be opened at such times and places, and subscriptions received from all such persons, and subject to such payments as may be prescribed by the board of directors.

Duties of pre-  
sident.

SEC. 6. The first board of directors, at their organization, and their successors after their election, shall elect one of

their number president, whose duty it shall be to preside at the meetings of said board; and in case of his absence at any meeting, the directors present may elect a president pro tem. The president shall, in addition to the aforesaid duty, perform such other acts as may be prescribed by the by-laws, or required by the board of directors. The office or place of business of said company shall be at Beaver Dam, in the county of Dodge, or at such other place as shall be determined by the board of directors; and all meetings of the board for the transaction of business shall be at the said office, or at such other place as may be appointed by resolution of the board, or by call of the president. The board of directors may call special meetings of the stockholders at any time, on giving thirty days notice by publication as aforesaid. They shall have power to appoint a secretary and treasurer, and all such other officers, agents, laborers, and servants, as they may require for the transaction of the business of said company, prescribe their duties and compensation, and remove the same at pleasure. They shall have power to prescribe the time, manner and proportions in which the stockholders shall pay for the shares of stock by them subscribed, and forfeit to the use of said company the share or shares of any person failing to pay any instalment at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; and may adopt all necessary by-laws for the regulation and management of the affairs of said company.

Place of business.

May appoint officers.

SEC. 7. The said company are hereby authorized to keep and maintain the upper dam now erected across Beaver Dam creek, at the village of Beaver Dam, in the county of Dodge, in case the present proprietors shall convey all their right, title and interest in and to the same, and to the parcels of land on which it abutts, to the company hereby incorporated, for the purpose of creating a water power or the manufacture of iron, and for other manufacturing and grist mill purposes: *Provided*, That said dam now erected or the dam hereafter erected shall not be raised so as to cause the water to flow over more or other lands than are already flowed over on account of such dam at its present height; and in the event of the said dam causing the water to flow upon lands other than those belonging to said company; and if the said company can not agree with the owners thereof as to the amount of compensation to be paid for damages to such lands by reason of such flowing, when the question of damages to such lands shall be sub-

Company authorized to keep and maintain upper dam.

In case of disagreement, arbitrators to be appointed.

mitted to arbitrators, in the following manner: Each party shall select a disinterested arbitrator, and such arbitrators shall select another, or if either party shall neglect for three days after being notified so to do by the other party, or if non residents of this state, and are notified by publication for thirty days in some newspaper published in Dodge county, to select such arbitrator, and shall neglect so to do for sixty days after the first publication as aforesaid, or can not agree on the third arbitrator, then, in all cases of such neglect or disagreement, and upon satisfactory proof thereof, and upon the application of either party to the governor of this state shall elect such arbitrators; and the said arbitrators shall proceed to make an award of the amount of compensation, which shall be paid for such damages, and for the perpetual right to flow such lands, and shall deliver a copy of their award, in writing, to each of the parties; and either party, within ten days after receiving a copy of such award, may appeal from the same to the circuit court of the county wherein the lands lie, by giving a written notice of such appeal to one of the arbitrators; and upon receiving such notice of appeal, it shall be the duty of the arbitrators, or a majority of them, to certify all their proceedings to said court, and the said court shall enter said cause on its docket, in which the claimant of damages shall be plaintiff, and shall proceed to ascertain by a jury drawn in the usual manner, unless the parties expressly waive a jury, the amount of damages, and if the amount so found for such plaintiff shall exceed the amount of the award, judgment shall be rendered for the plaintiff with costs; and if the amount so found shall not exceed the amount of the award, judgment shall be rendered against such plaintiff for costs, and the award shall remain in force and judgment rendered thereon; and when the amount so found by such award or judgment shall be paid or tendered to the party entitled thereto, or if refused by the party entitled to the same, shall be paid into the said court for the use of said party, the same shall be a bar to any action or proceeding at law or in equity for such damages. The said arbitrators shall receive a compensation of two dollars per day for each day actually employed in said arbitration, to be paid in all cases by said company.

Shall keep and  
maintain a  
good slide.

SEC. 8. The said company shall keep and maintain a good slide for the passage of rafts, and the ascent and descent of fish; and the lake so improved and extended by the raising of said dam shall be deemed a public highway



in all parts within high water mark, and free from any tax, duty or impost for the navigation of the same.

SEC. 9. This act shall be deemed a public act, and shall be favorably construed in all courts and places for the purposes therein expressed, and shall take effect and be in force from and after its passage.

Approved, April 3, 1854.

An Act to incorporate the Depere and Waupacca Plank Road Company.

Chap. 332

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Randall Wilcox, Edward F. White, David M. Loy, George O. Haywood, D. Cooper Ayers, L. B. Brainard, David Scott and George A. La Due are hereby created a body corporate, by the name, style and description of the "Depere and Waupacca Plank Road Company," with perpetual succession, and shall by that name be and are hereby made capable to purchase, hold, enjoy, retain to them, and their successors, lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a plank road, as hereinafter set forth, and the same to lease, sell, grant or in any manner dispose of; to contract, and be contracted with; to sue, and be sued; plead, and be impleaded; answer, and be answered; defend, and be defended; and also to make, use and have a common seal, the same to alter or renew at pleasure, and generally may do and perform all and singular the acts and matters which to any corporation shall lawfully appertain to do and perform for the well being of said corporation.

Body corporate.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient; so soon as one hundred shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

Capital stock.

SEC. 3. The said corporators, or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give notice of the time and

Meeting stockholders.

place of meeting of the stockholders, for the purpose of electing seven directors, who shall hold their offices until their successors are elected, and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said corporation, above named, upon the subscription of three hundred shares of stock, and the organizing of said corporators, by the election by them of one of their number president, shall have all the powers, and perform all the duties of a board of directors for said company; and the corporate existence of said company, shall be taken and held to have began and be completed as if a regular election of directors had taken place; and in case of vacancy at any time happening in the board of directors, or in the said board of corporators, acting in the capacity of directors, the board shall have power to fill such vacancy.

Affairs, how  
managed.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, in person or by proxy, duly authorized; and in all elections, and in all discussion of all questions, acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote; and the majority of the votes cast shall govern, except in elections, when the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

Majority to  
form a quorum.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president; and they shall have power to appoint a secretary and treasurer and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments hereon for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same, valid releases discharging them from all liabilities thereafter, for, or on account of the acts of said company, or its officers.

Powers of  
directors.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the same and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the share or shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president, and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

May regulate  
tolls.

SEC. 8. The said company shall have power to locate and construct a single or double track road from the town of Lawrence, on the west side of Fox river, beginning at the west end of the Depere Bridge, across the said Fox river in Brown county, to the village of Waupacca, in the county of Waupacca, and by the most eligible and practicable route, as the directors shall decide; the track of said road shall be constructed of plank, stone, gravel, charcoal, or other, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

Location of  
track.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding four rods width, along the line of said route, subject, however, to the payment of such compensation as the company may

May enter  
upon lands.

have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed four rods in width; and they may also cut down such trees, on each side of such road, as may endanger said road by falling, or otherwise.

In case of disagreement.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein, and in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named, and of the persons so summoned, do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of seven jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person, or by attorney, the sheriff or constable shall, for him, her or them, strike off each two of said jurors, and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace, shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon.

all be signed by the jurors, or a majority of them, and the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court, of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of land in question, and the value thereof as aforesaid, and such valuation, when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the rate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken, shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall, in like manner be shown that such owner or owners are under age, or *non compos mentis*, or absent from the county in which such land is situated. Such service of notice, may be made upon the guardian or trustee, the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, that any party conceiving himself aggrieved by any decision herein stated, may, in every such case, appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

SEC. 11. The directors shall have power, in their discretion, to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and published by the proper authorities, and of such width, in such manner as the said directors shall determine: *provided*, they procure, by agreement with the supervisors of any town, the right to take and use any part of a public highway in such town for the construction of the proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by the company, to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and

Proviso.

Proviso.

Where company may construct road.

May erect toll  
gates.

Rates of toll.

shall be filed in the town clerk's office of said town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll gates, and exact tolls from persons travelling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile, for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid.

May receive  
real or personal  
property for  
stock.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security subject to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company, interest, at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, or any of them, in the same manner as if the same were made payable to individuals, or to their order or assigns.

Penalty for in-  
juring road.

SEC. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof, or any work, building or fixtures, attached to or in use upon the same, belonging to said company, such

person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate, without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages. Penalty for avoiding toll.

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same. May increase capital stock.

SEC. 16. If said corporation should not, within three years from the passage of this act, commence the construction of said plank road, and expend two thousand dollars or more hereon, the rights, privileges and powers of the said corporation, under this act, shall be null and void. When required to commence road.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

Approved, April 3, 1854.

An Act to vacate an Alley in the Village of Jefferson.

Chap. 333

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The alley in block five, in the recorded plat of the village of Jefferson, is hereby vacated.

SEC. 2. This act shall be in force from and after its passage.

Approved, April 3, 1854.

**Chap. 334** An Act to incorporate the Oconomowoc and Palmyra Plank Road Company.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Commissioners.** SECTION 1. That John S. Rockwell, Austin Kellogg, Solon Hall, Ambrose Seeley, Myron Smith, Derias Reed, Justus Carpenter and Y. Wilson be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Oconomowoc and Palmyra plank and turnpike road company; and they shall cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking said subscriptions by publishing the same in a newspaper in each of the counties of Waukesha and Jefferson.

**Name and style of com-** SEC. 2. All persons who shall become stockholders pursuant to the provision of this act are hereby created a body corporate in law, with perpetual succession, by the name and style of the Oconomowoc and Palmyra Plank and Turnpike Road Company, for the purpose of constructing a plank and turnpike road from the village of Oconomowoc, in Waukesha county, to Concord, in Jefferson county, to a point on the west line of section fifteen in said town of Concord, at the junction of the roads leading to Madison and Watertown; thence through the town of Concord to the village of Rome, in the town of Sullivan; thence through the town of Sullivan to the village of Palmyra, in Jefferson county; and shall have power to connect with plank and turnpike roads at such places as the board of directors may determine; which said company shall have power to sue and be sued in all courts, to receive by gift or purchase, and shall hold all such real or personal estate as may be necessary for the construction and management of said road, and to contract and be contracted with in all matters pertaining to the object of said road; to have and to use a common seal, and pass all by laws necessary for the government of said company.

**Capital stock.** SEC. 3. The capital stock of said company shall be sixty thousand dollars, to be divided into shares of twenty dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company.

**Meeting of stockholders.** SEC. 4. Whenever five thousand dollars of the capital stock of said company shall be subscribed for and distrib-



uted, it shall be the duty of the commissioners named in this act to call a meeting of the stockholders at such time and place as they may designate, by giving public notice thereof in one or more newspapers published in either of the counties through which the said road is run, for the purpose of choosing three directors, and the persons then chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead; the board of directors shall choose one of their number as president of the company, who shall also hold his office for one year, and until his successor is elected. At any election of directors of said company each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

SEC. 5. Whenever five thousand dollars of the capital stock of said company shall be subscribed, the directors may call upon the stockholders for the first instalment of two dollars on each share of stock, which shall be paid to the treasurer of said company within thirty days after a call for such first installment shall be made by a publication in one or more newspapers, printed in either of the counties through which said road shall pass. When stockholders to pay first instalment.

SEC. 6. The company, when so organized, shall have the right to locate and construct a single or double track plank road between the points mentioned in second section of this act, or any part of the distance, and may connect said road and use the same with other roads in the state of Wisconsin. The track of said road shall be constructed of timber and plank so as to have a hard smooth and even surface. The particular manner of building said road to be determined by the said board of directors. Location of track.

SEC. 7. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any highway, they shall have power to contract with the supervisors of the town in which such road may be, for the right to use such highway for the purpose of said road, and the supervisors of highways are hereby authorized to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree. To be determined by directors.

SEC. 8. If the said company shall not, within five years from the passage of this act, commence the construction of said road, and shall not within that time have constructed a single or double track for the distance of ten miles, then, and in that case, it shall be considered a violation and non- When required to commence road.

user of their charter, and all the rights, privileges and powers of said company, under this act, shall be resumed by the state of Wisconsin, and such disposition made with regards to any portion of said road which may have been constructed, as the legislature thereof may deem meet and proper, consistent with law and justice.

May enter upon lands.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden without the consent of the owner thereof, nor through any buildings, or any fixtures, or any erections for the purpose of trade or manufactures, or any yard or enclosures necessary for the use or enjoyment thereof, without permission from the owners; and when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands to the width of four rods; and also to take from any land adjoining said road, gravel, stone, or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided.

In case of disagreement as to value of land.

SEC. 10. Whenever it shall be necessary for the said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and if the parties cannot agree upon the compensation to be made for any injury that may be done to such land by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate the same, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside within the counties where the land lies; the expenses incurred by said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after the requisition for that purpose upon him made, or if such owner shall be under legal disability or out of the state, then it shall be lawful for the judge of the district court of the district in which such land lies, on application of either party, and at the cost

and charges of said company, to appoint three disinterested persons of said county, to view and examine said lands and estimate the injury or damage, if any, in their judgment, shall be sustained as aforesaid by reason of the location of said road, and report the same, under oath or affirmation, to the district court of said county, which report being confirmed by said court, judgment shall be entered thereon; the said viewers shall be entitled to two dollars per day for their services, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That Provido. in a case, the owner of such land shall be under any legal disability, the costs of such assessment shall be paid by said company; and it shall be the duty of the appraisers in estimating such damages to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road: *Provided further*, that either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: *And provided also*, That upon payment or tender of payment of the sum specified in the report of said viewers or appraisers to the owners of said land, or a deposit of the same, for their benefit, with the clerk of the district court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

SEC. 11. The directors of said company may appoint a May appoint secretary, treasurer, and such other officers as they may officers. deem necessary; and shall have full power to decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person or persons failing to pay any installments so required to be paid after advertisement of the same, for a period not less than sixty days, in one or more newspapers as hereinbefore provided: *Provided*, That no installment shall be called by the directors without giving at least thirty days notice in the newspapers as aforesaid.

SEC. 12. The directors elected as aforesaid shall issue a Statement of certificate to each stockholder for the number of shares he affairs. shall subscribe for or hold in the said company, signed by the president, countersigned by the secretary,

and sealed by the common seal, subject however to all the payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided in the by-laws of the company.

**Statement of affairs.**

SEC. 13. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by any number of stockholders holding one-fourth in amount of the capital stock of the company, on like notice as required for annual meetings; but no business shall be transacted at such special meeting, unless a majority in value of all the stock shall be then and there represented.

**May erect toll gates.**

SEC. 14. On completion of or any portion of the track, not less than three consecutive miles, the company may erect one or more toll gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they think reasonable, not exceeding two cents per mile for any vehicle drawn by two animals, one half cent per mile for every additional animal; for every vehicle drawn by one animal one cent per mile; for every horse and rider or led horse three quarters of a cent per mile, and for every twenty sheep or swine, and for every twenty neat cattle one cent per mile: *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to and from funerals shall be exempt from tolls. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll until the same is paid.

**Tolls.**

**Penalty for injuring road.**

SEC. 15. If any person shall willfully and knowingly obstruct, break, injure or destroy the road so to be constructed by said company, or any part thereof, or any work, building or fixture attached to or in use upon the same belonging to said company, such person or persons so offending shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction of such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 16. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, That all debts due said company from such individuals shall be first paid. Property liable to execution.

SEC. 17. The debts and liabilities of said corporation shall not exceed in amount at any one time fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to greater amount than by this section is provided for, the directors of said company shall be jointly and severally liable for such excess in addition to their other liabilities at law, and as provided for in this act. Debts and liabilities of corporation.

SEC. 18. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority in amount of such stockholders, provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means: *Provided*, That the whole stock of said company shall not be so increased as to exceed at any time four thousand dollars per mile for each mile of road. May increase capital stock.

SEC. 19. This act shall be favorably construed to effect the purposes thereby intended and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

SEC. 20. This act may be altered or amended by any future legislature of the state of Wisconsin.

Approved, April 3, 1854.

..An Act to incorporate the Fall River and Beaver Dam Plank Road Company. Chap. 335

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Alfred A. Brayton, Samuel Lashier, John Walton, Jr., Richard Blake, Henry T. Henton, S. P. K. Lewis, Robert V. Bogert, H. W. Finch, and George Smith, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Fall River and Beaver Dam Plank Road Company, and they may cause books to be opened at such times and places as they shall Commissioners.

direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking subscriptions, by publishing the same in a newspaper in the county of Columbia, and in the county of Dodge.

Name and  
style of com-  
pany.

SEC. 2. All persons who shall become stockholders, pursuant to the provisions of this Act, are hereby created a body corporate in law, by the name and style of the Fall River and Beaver Dam Plank Road Company, for the purpose of constructing a plank or gravel road from the village of Fall River, in the county of Columbia, to the village of Beaver Dam, in the county of Dodge; which company shall have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and the same to sell and convey, or lease, to contract or be contracted with in all matters pertaining to the objects of said road, to have and use a common seal, and pass all by-laws necessary for the government of said company.

Capital stock.

SEC. 3. The capital stock of said company shall be twenty five thousand dollars, to be divided into shares of twenty five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company; and the officers of said company shall be managed by a board of directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorized, and in all elections, and in the discussions of all questions, acted upon at any meeting of the stockholders, each share of the stock shall be entitled to one vote, and the majority of the votes cast shall govern, excepting in elections, when the nine persons having the greatest number of votes cast for directors shall be declared duly elected.

Time and  
place for hold-  
ing meeting.

SEC. 4. Whenever five thousand dollars of the capital stock of said company shall have been subscribed, and ten per cent paid thereon to said commissioners for the use of said company, the said commissioners, or a majority of them, shall give at least twenty days notice in one or more newspapers printed in the counties of Columbia and Dodge, of the time and place of the meeting of the stockholders, for the purpose of electing nine directors, who shall hold their office for one year and until their successors are elected; and thereafter the annual election for said directors shall be holden on the first Tuesday in January of each year: *Provided*, That whenever there shall be a vacancy-

said board of directors, the said directors then holding, a majority of them, shall have power to fill the same: *and provided further*, That in case of a failure to hold said annual meeting and to elect directors as aforesaid, this charter shall not be forfeited, but a special meeting may at any time thereafter be called for the purpose of electing directors, by giving like notice as is required to be given for the first election under this charter; and the directors so chosen at such special meeting shall proceed to the discharge of their duties in the same manner as if they had been elected at a regular annual meeting, and shall hold their offices until the next annual meeting, and until their successors shall be elected.

SEC. 5. The board of directors shall organize by choosing Organization. one of their number president, and by appointing a secretary and treasurer, and when so organized shall have the right to locate and construct a single or double track plank gravel road, between the points mentioned in the second section of this act, or any part of the distance; the track of said road shall be constructed of timber and plank, gravel and stone, or a part of each, so as to have a hard, smooth and even surface; the particular manner of building said road to be determined by the board of directors.

SEC. 6. The location of the route of said road shall be determined by the board of directors of said company, and Location of road. the same be located on any public highway they shall have power to contract with the supervisors of the town in which said road may be, for the right to use such highway for the purpose of said road, and the supervisors of each town are hereby authorized to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon.

SEC. 7. It shall and may be lawful for said company, May enter upon lands. their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating said road, doing thereto no unnecessary damage; nor locating any such route through any orchard or garden without the consent of the owner thereof, nor through any building or any fixtures or erections for the purpose of trade and manufactures, or any yard or enclosure necessary to the use and enjoyment thereof, without permission from the owners; and when said route shall be determined by the said company it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, to the width of four rods; and also to take from any lands adjoin-

ing said road, gravel, stone, or earth, for the purpose of constructing or repairing said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereafter directed and provided in case of lands.

In case of disagreement with owners of land.

SEC. 8. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which said road may be erected, and the owner or owners thereof shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury that may be done to such lands by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside within the counties where the lands lie. The expenses incurred by said appraisers shall be defrayed by the company. But if parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointments within twenty days after the requisition for that purpose upon him made, or if such owner shall be under legal disability, or out of the state, then it shall be lawful for the Judge of the circuit court of the circuit in which such land lies, on application of either party, and at the cost and charges of said company, to appoint three disinterested persons of said county to view and examine said land and estimate the injury and damage, if any, in their judgment, will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall (mutual) (entered) thereon. The said viewers shall be entitled to two dollars per day each for their services, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of such land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land be under any legal disability, the cost of such assessment shall be paid by said company; and it shall be the duty of the appraisers in estimating such damages to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road: *Provided*

Proviso.



*further*, That either party may appeal to said court within thirty days after such report may have been filed in the clerk's office; and such appeal shall be tried as other issues arising in said court: *And Provided further, also*, That upon payment, or tender of payment, of the sum specified in the report of said viewers or appraisers to the owners of said lands, or a deposit of the same for their benefit, with the clerk of the circuit court of the county in which the lands is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

SEC. 9. The directors of said company may appoint a secretary, treasurer, and such other officers as they may find necessary, and shall have full power to [divide] [decide] the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person failing to pay any installment so required to be paid, after advertisement of the same, for a period not less than sixty days, in one or more newspapers, as hereinbefore provided: *Provided*, That no installment called in at any one time shall exceed five dollars per share, and that no installment shall be called by the directors without giving at least thirty days notice thereof in the newspapers as aforesaid. Officers appointed.

SEC. 10. The directors elected as aforesaid shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for, or hold in said company, signed by the president and countersigned by the secretary, and sealed with the common seal, subject, however, to all the payments due and to become due thereon, which stock may be transferable in person or by his attorney, executors, administrators, guardian, or trustees, under such regulations as may be provided in the by-laws of the company. Stock transferable.

SEC. 11. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of stockholders may be called by order of the directors, or by any number of stockholders holding one-fourth in amount in the capital stock of the company, on like notice as is required for annual meetings; but no business shall be transacted at such special meeting, unless a majority in value of all the stock be there, and there represented. Annual statement of affairs.

May erect toll gates and exact tolls.

SEC. 12. On the completion of said road, or any portion of the track, not less than five consecutive miles, the company may erect one or more toll gates upon the roads, but not at a less distance than five miles apart, and may demand and receive such tolls as from time to time they think reasonable, not exceeding two cents per mile for any vehicle drawn by two animals; one cent per mile for every additional animal; for every horse and rider or led horse, one cent per mile; for every twenty sheep or swine, and for every twenty neat cattle, one cent per mile: *Provided*, It shall be the duty of said company during the month of January in each year, after the completion of such portion of the road as will authorize them to erect one or more toll gates, to make a report to the legislature, setting forth particularly the amount of capital invested, the length of the road in operation, the expenses paid, and tolls collected, the preceding year, and generally such information in regard to the affairs of the company as the legislature may require, which report shall be verified by oath or affirmation of the president or secretary, and one of the directors of said company.

Penalty for injuring road.

SEC. 13. If any person shall wilfully and knowingly obstruct, or break, injure, or destroy the road so to be constructed by said company, or any part thereof, or any work or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction, in the county wherein the offence shall have been committed.

Property liable to execution.

SEC. 14. The property of every individual which may be invested in said company or corporation, shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law; *Provided*, That all debts due said company from such individual, shall be first paid.

Debts and liabilities of company.

SEC. 15. The debts and liabilities of said company shall not exceed in amount, at any time, fifty per cent. of its capital actually paid in; and if debts and liabilities shall at any time be increased to a greater amount than by this section provided for, the directors of said company shall be jointly and severally liable for such excess, in addition to their other liabilities in law, as provided for in this act.

May increase capital stock.

SEC. 16. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide

or such increase of the capital stock of said company, as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

SEC. 17. If said company shall not, within three years from the passage of this act, commence the construction of said road, and shall not, within five years from the passage of this act, construct, finish, and put in operation, a single double track of said road, from Fall River to Beaver Dam aforesaid, then the rights, privileges and powers of the said corporation under this act, shall be null and void. Time allowed for making road.

SEC. 18. Said company shall be liable for all injuries or damage which any person may sustain in his or her person or property, by reason of said road being out of repair, or of any defects in said road. Company liable for injuries by defects of road.

SEC. 19. (When) this act shall be favorably constructed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

SEC. 20. This act may be altered or amended by any future legislature of the state of Wisconsin, and shall be in force and take effect from and after its publication.

Approved, April 3, 1854.

An Act to provide for laying out a certain State Road therein named. Chap. 336

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. T. Crook, J. T. Wilson, William Miller, are hereby appointed commissioners to lay out and establish a state road from Blue Mounds, in Dane county, by the way of School Bluff, to intersect with Portage City and La Crosse road in Sauk county.

SEC. 2. The said commissioners shall receive a fair compensation for their services from the counties through which said road passes: *Provided*, That no part of the expenses for laying out said road shall be paid out of the state treasury.

Approved, April 3, 1854.

**Chap. 337** An Act supplementary to an Act to amend an Act entitled an Act to consolidate and amend the Act entitled an Act to incorporate the City of Milwaukee, and the several Acts amendatory thereof. Approved March 31, 1854.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The common council of the city of Milwaukee are hereby authorized to appropriate from the proceeds of the bonds authorized to be issued by the act to which this is supplementary, an amount sufficient to pay for dredging the Milwaukee river south of the Straight Cut: *Provided*, That the amount appropriated therefrom shall not exceed the sum of five thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, April 3, 1854.

STATE OF WISCONSIN, }  
SECRETARY'S OFFICE, } ss.

I, JOHN W. HUNT, Assistant Secretary of State of said State, do hereby certify, that the laws published in this book have been compared with the original enrolled acts deposited in this office, and that they appear to be correctly printed.

In Testimony Whereof, I have hereunto set my  
L. s. hand, and affixed the Great Seal of said State, at the  
Capitol in Madison, this 30th day of June, 1854.

JOHN W. HUNT,  
Assistant Secretary of State.



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